

1991

The Amicus: Vol.4, No.3

Valparaiso University School of Law

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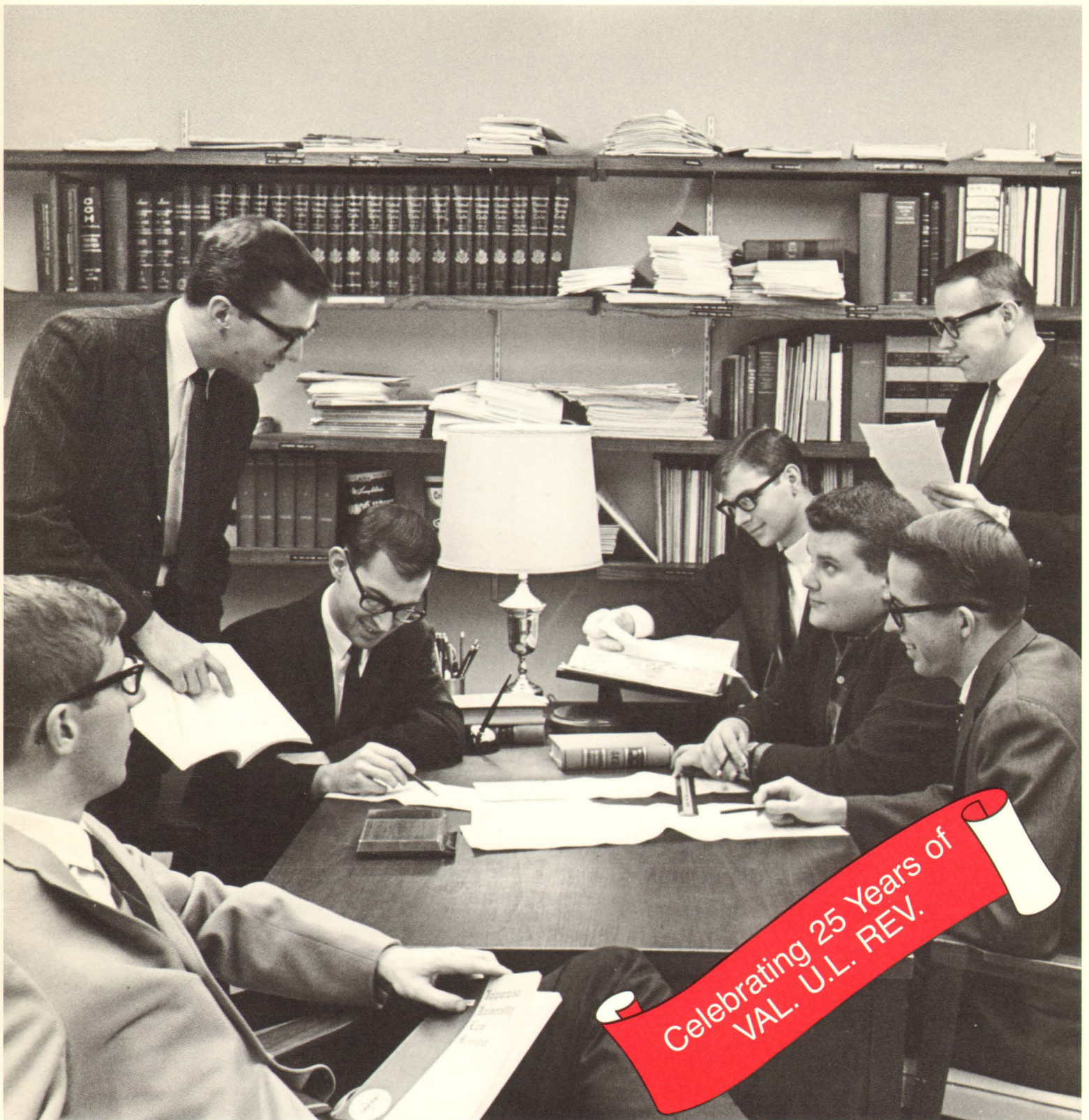


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THE AMICUS

VALPARAISO UNIVERSITY SCHOOL OF LAW ALUMNI MAGAZINE

VOL. 4, NO. 3

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EDITORIAL BOARD

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Mary G. Persyn, Law Librarian and Associate Professor
Katharine E. Wehling, '83, Assistant Dean
Joanne Albers, Registrar
Gail Peshel, Director of Career Services
Diana Wyman, Administrative Secretary

Cover photo: At the celebration of the 25th anniversary of the *Valparaiso University Law Review*, special honors were bestowed upon the members of the founding Board. The cover photo, from the law school "archives," is of the *Law Review* Board for Volume 1. The photo was taken in 1967. Pictured are: (clockwise, beginning in the lower left-hand corner) VUSL Professor and Associate Dean Bruce Berner, '67; George Valsa, '67, now with the Ford Motor Company; John Yakimow, '67, now with the Eaton Corporation of Marshall, MI; Judge Peter Wilson, '67, of Kane County in Geneva, IL; Allen Landmeier, '67, of the firm Smith, Landmeier & Skaar in Geneva, IL; Professor Michael Swygert, '67, of the Stetson College of Law; and Michael Virgil, '67, now with the Chicago, IL law firm of Lewis, Overbeck & Furman. This issue of *The AMICUS* is dedicated to everyone who ever played a role in the life of the *Review*, with special thanks to those members of the founding Board. As their mentor, Professor Al Meyer is known to say, "They were giants in those days!" Additional coverage of the anniversary celebration appears on pages 14 and 15.

LETTER FROM THE DEAN

Dear Alumni and Friends:

On December 15, 1791, the first ten amendments to the United States Constitution were ratified. In the two hundred years since then, the Bill of Rights has come to be one of the most important documents in history. As the *Williamsburg Charter* noted, "Our Constitution has been hailed as America's 'chief export' and 'the most wonderful work ever struck off at a given time by the brain and purpose of man.' Today, two hundred years after its signing, the Constitution is not only the world's oldest, still-effective written constitution, but the admired pattern of ordered liberty for countless people in many lands."

We have much to celebrate this year, and it is vital that we do so not merely with fanfare and hoopla, but with an eye to ensuring the ongoing vitality of the Bill of Rights in our own society. The bicentennial celebration has already begun here at Valpo. In his Inaugural Lecture as a Professor of Law last month, Dave Vandercoy gave historical depth to the contemporary debate over gun control by illustrating the meaning of the Second Amendment in 17th and 18th century England. It was a brilliant performance. An abridged version of his lecture appears as the *Faculty Focus* piece of this issue.

At another level, Al Meyer had occasion to comment recently in the local press on letters attacking a member of the bar who had been appointed to defend a man accused of rape and murder. He wrote: "The criminal justice system is an important criterion in measuring the progress of a civilization. Attorneys who accept appointments to defend clients charged with heinous offenses do so in response to a high calling. They are duty bound to conduct a *zealous* defense. They experience great tension, professional and personal isolation, and humiliation. They deserve our commendation -- not our condemnation."

Valparaiso University is taking a leading role in planning a series of bicentennial events exploring the entire text of the Bill of Rights in a series of colloquia this fall. Distinguished judges and eminent constitutional scholars will explore questions like the following: (1) whether the limits currently imposed on the federal government and the States by the Bill of Rights are what the Framers had in mind when they wrote these provisions; (2) whether the intentions of the Framers of the Bill of Rights can be ascertained with clarity; (3) whether the intentions of the Framers bind the process of determining the contemporary meaning of the Bill of Rights; (4) whether the political branches of government (the Legislature and the Executive) should act to extend greater protection through legislation grounded in the values secured by the Bill of Rights when the Judiciary gives a minimalist interpretation of these provisions; and (5) whether we, the People, should play a

more vital role in protecting the rights expressly secured in the Bill of Rights and in retaining rights not enumerated in the Constitution.

The events will culminate in a magnificent ceremony on December 15, 1991, the 200th anniversary of the ratification of the Bill of Rights. During this civic event officials from the national, state, and local level will reaffirm their sworn duty to support and defend the Bill of Rights.

I hope that many of our alumni and alumnae will be able to return to campus for some of these events. Later this summer we will send you full details about this important bicentennial program. Mark your calendars when you get this information, and plan to take part in our efforts to revitalize our nation's commitment to limited government as the means of ensuring a free society. To quote the *Williamsburg Charter* again, "Our commemoration of the Constitution's bicentennial must go beyond celebration to rededication. Unless this is done, an irreplaceable part of national life will be endangered, and a remarkable opportunity for the expansion of liberty will be lost."

I would like to thank all of you who wrote to us about the Gulf War. Hundreds of thousands of lives and billions of dollars later, that war calls

for the kind of careful scrutiny of means to achieve ends that many of you reflected in your letters. (If economic sanctions cannot be relied upon to achieve the justice of a new world order, why have we relied on them to eliminate *apartheid* in South Africa?) I join all of you in welcoming our troops home and in the gladness that the war is over for us, if not for the people of Iraq. And I hope that we will be as generous in attending to the needs of the Kurds as we were to those of the Kuwaitis.

Finally, I would like to celebrate the achievement of the graduates of 1991. They will always be special to me because they are the first group to graduate under my tenure as dean. I wish all of them success in their professional service of others' needs. The next issue of *The AMICUS* will include the commencement address, which was delivered by Justice Sandra Gardebring of the Minnesota Supreme Court, the woman whose appointment made her court the first in American history to be composed of a majority of female judges.



Dean Edward McGlynn Gaffney, Jr.
Valparaiso University School of Law

AMICUS BRIEFS

Dean Edward M. Gaffney published an article entitled "On Not Rendering to Caesar: The Unconstitutionality of Tax Regulation of Activities of Religious Organizations Relating to Politics," in 40 *DePaul L.Rev.* 1 (1990). Along with several colleagues on the faculty and staff, he addressed alumni gatherings in St. Louis, Indianapolis, and South Bend. He delivered a lecture on clergy liability to a district meeting of the Lutheran Church-Missouri Synod, and a lecture on the *Abortion Rights Mobilization* case at a conference on "The Role of Religion in the Making of Public Policy" at Baylor University, where he serves on the National Advisory Council of the J. M. Dawson Institute for Church-State Studies.

Joanne Albers, Law Registrar, has been elected Vice President of the National Network of Law School Officers for 1991-92. NNLSO is an organization of registrars and admissions officers from 127 ABA-accredited law schools.

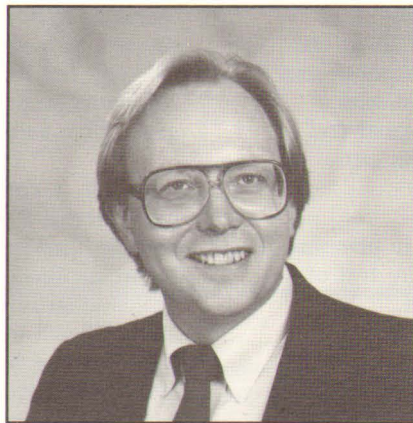
Associate Dean Bruce Berner is directing the VU summer program in Cambridge, England, this summer.

Professor Robert F. Blomquist will publish an article entitled "The Conservation Foundation's Proposed 'Environmental Protection Act': Prospects and Problems for a Comprehensive Pollution Control Code for the United States" in Volume 40 of *DePaul University Law Review*.

On January 24, **Professor Blomquist** spoke to the American Society of Civil Engineers student chapter at Valparaiso University on "The Clean Air Act of 1990: Problems and Prospects." On April 20, he spoke on "Children's Exposure to Environmental Toxins" at a Social Responsibility Conference held at Trinity Lutheran Church in Valparaiso. On April 22, he gave a lecture on key arguments in environmental cases to Professor Dan Arkkelin's Environmental Psychology class at Valparaiso University. On April 29, he was an invited participant in U.S. Senator

Dan Coates' Conference on Out-of-State Waste held at LaPorte City Hall in LaPorte, Indiana. On May 1, he addressed the Indiana Hazardous Materials Conference at their annual convention at the Hoosier Dome in Indianapolis in an address entitled "Evolving Responsibilities of Local Emergency Response Commission Under Federal and State Laws." On May 2, he spoke to the United Methodist Church women's general meeting in Valparaiso regarding environmental and creation issues.

During March, **Professor Blomquist** was consulted by the State of Wisconsin, Department of Justice, regarding the legal strategy for appealing the intermediate appellate court decision in *State of Wisconsin v. Better Brite Plating Inc.* (a case reported in the Wall Street Journal and involving novel issues of bankruptcy, environmental and tort law). In April, along with **Professors Laura Dooley** and **Ruth Vance**, he helped found the Valparaiso University School of Law Moot Court Board. On April 12, at the Law School's Third Annual Musicales, he played folk, blues, rock, and Reggae songs on his new Martin guitar, Roxanne (accompanied on percussion by **Pat McRae** and **Terri Graham**).



Professor Robert Blomquist

From May 16 through May 18, **Professor Blomquist** participated in an Institute for Natural Resources Law Teachers at the University of Denver College of Law in Denver, Colorado. The Institute was sponsored by the Eastern Mineral Law Foundation, the Rocky Mountain Mineral Law Foundation,

and the Section of Natural Resources, Energy, and Environmental Law of the American Bar Association. In addition to going on a field trip to the Eagle Mine Superfund site at Vale, Colorado, **Professor Blomquist** heard speakers on such diverse subjects as hazardous substances, environmental liability for natural resource extraction and waste disposal, and international and trans-boundary pollution issues.

Professor Blomquist is looking forward to the Valparaiso University Summer in China Program beginning June 13. He will teach a course in International Environmental Law at Ningbo University in conjunction with courses taught by **Professors Jack Hiller** and **Richard Stith**.

Professor Ivan Bodensteiner will teach a three-day continuing legal education program on Federal Court Litigation in Honolulu, HI, in June. **Professor Bodensteiner** has recently published an article on "Survey of Recent Developments in Indiana Law -- Civil Rights" which appeared in volume 24 of the *Indiana Law Review* (1991). Together with **Professor Rosalie Levinson**, he published the 1991 Supplement for their two-volume treatise *Civil Rights Liability*. They will have a new chapter for their treatise on §1983 published late this summer.

Professors Paul Brietzke, Jack Hiller, and **Mary Persyn** have been involved in the recent publication of the 1989 issue of *Third World Legal Studies* which is published by the School of Law in conjunction with the International Third World Legal Studies Association. The 1989 issue is entitled "Pluralism, Participation and Decentralization in Sub-Saharan Africa." Forthcoming issues of *Third World Legal Studies* will cover the topics of Police and State Security Forces, Constitutionalism and Human Rights in the Third World, and Realizing the Rights of Women in Development Processes.

Professor Hiller is directing and teaching in the Law School's summer program in Ningbo, China.

AMICUS BRIEFS

Professor Rosalie Levinson lectured on the Civil Rights Act of 1991 in April at a program together with Congressman Jim Jontz and **Professor Bodensteiner**. **Professor Levinson** will lecture on the independence of the judiciary at an international conference on "The United States Legal System and its Influence on Malaysia/Asia" to be held July 8-11 in Malaysia.



Professor Rosalie Levinson

Professor Alfred Meyer and his wife, **Professor Nancy Meyer**, '77, V.U. Dept. of Communications, spoke at the Law Day luncheon in Quincy, Illinois, on May 1.

Assistant to the Dean Mary Moore attended the National School Boards Association's 51st Annual Convention in San Francisco in April. **Mrs. Moore** is a member of the Board of the Valparaiso Community Schools.



Assistant to the Dean Mary Moore

Mary is also involved in the creation of a VU caucus of the

Valparaiso "Committee on Values." The purpose of the Committee is to help raise to consciousness and promote common values. The group will focus on one value each month. For example, the value for April was the environment.

During 1990-91, **Professor Seymour Moskowitz** has served as volunteer Executive Director of Project Justice & Equality, a Gary-based legal services organization. P.J.&E. litigates class action suits and advocates for the poor in Indiana. **Professor Moskowitz** will be on sabbatical leave in England and Israel during fall semester 1991.

In May, West Publishing Co. will publish Nimmer, Marcus, Myers and Nimmer's *Cases and Materials on Copyright and Other Aspects of Entertainment Litigation Illustrated - Including Unfair Competition, Defamation and Privacy* (4th ed. 1991). "Myers" is **Professor David Myers** of the School of Law faculty.

Director of Career Services Gail Peshel will serve as a law school at-large member of the Research Policy Committee of the National Association of Law Placement for 1991-92. **Mrs. Peshel** is on the Publications Committee of the Student Services Section of the Association of American Law Schools for 1991-92.

As President of the Ohio Regional Association of Law Libraries, **Professor Mary Persyn**, Law Librarian, was in charge of the spring meeting of the Association held in Cincinnati in May.

On April 20, **Adjunct Professor Barbara Schmidt** led a workshop at Trinity Lutheran Church on children and the law. The workshop was part of their annual mission festival. **Professor Schmidt** was appointed to the Board of Directors of The Caring Place, Inc., which runs a shelter for victims of domestic violence that serves Lake, Porter and Starke counties in Indiana.

Professor Richard Stith has written a revised article on Spanish

and German law that will be reprinted in an anthology entitled *Abortion, Law, and Medicine* (Ed. Butler). **Professor Stith** will have articles published also in *The Responsive Community* (Ed. Etzioni), and in the *Revue Generale de Droit* (Canada). He had a letter criticizing Ronald Dworkin published in *The New York Review of Books* (together with Professor Dworkin's response). **Professor Stith** will teach at the VU summer program in Ningbo, China, and then will spend fall semester on sabbatical in India doing research on constitutional theory.

Professor Ruth C. Vance's article, "Recent Developments in Indiana's Workers' Compensation law," will be published in volume 24 of the *Indiana Law Review*.

Professor Vance is also planning the Midwest Legal Writing Conference, which Valparaiso University School of Law will host on July 16th and 17th. The conference is designed for law professors who teach legal writing. Anyone interested in receiving a registration form should contact Professor Vance.

Professor David Vandercoy presented his inaugural lecture, "The History of the Second Amendment," on April 25, 1991. An abridged version of his presentation is reprinted as the *Faculty Focus* feature of this issue of *The AMICUS*.

Assistant Dean Katharine Wehling gave a presentation to the Society for Human Resource Management at the VU College of Business Administration. The topic of the presentation was affirmative action and equal employment issues. On May 2, **Dean Wehling** attended a conference on Racial Harrassment Policies and Issues, held at Chicago State University and presented by the Department of Education's Office of Civil Rights.

In April, **Professor Geri Yonover** delivered a Shoah Address at the University Chapel Service in Remembrance of the Holocaust.

AMICUS BRIEFS

Assistant Dean Curtis Cichowski attended a planned giving seminar presented by the Associated Colleges of Indiana in February. He also attended VUSL Alumni events in St. Louis, Indianapolis, and South Bend. Also representing the law school at the St. Louis event were **Dean Edward Gaffney, Assistant Dean Katharine Wehling, Professor Alfred Meyer, and Director of Career Services Gail Peshel.** At the South Bend event, also attending were **Dean Gaffney, Associate Dean Bruce Berner, Assistant Dean Wehling, Professor Charles Gromley, and Career Services Director Peshel.**

1991 Luther M. Swygert Moot Court Competition

The team of second-year students Bill Beggs and Ted Johnson won the Second Annual Luther M. Swygert Moot Court Competition on Monday, April 1, 1991. The team competed against second-year student Theo Jamison and third-year student Phred Mackraz. Phred was a winner in the 1990 competition. The preliminary rounds of the competition, which were held on March 26, were judged by professors of the School of Law. Participants in the preliminary rounds included

Terri Meade, Mike Moellering, John Papageorge and J. Michael Swart.

Chief Judge for the final round was Judge William J. Bauer of the United States Court of Appeals for the Seventh Circuit. The associate judges were Judge Robert L. Miller, Jr. of the United States District Court for the Northern District of Indiana and Judge Robert D. Rucker, Jr. of the Indiana Court of Appeals.

The 1991 competition involved issues of corporate law. Specifically, the issues were whether the target of a tender offer has standing to allege an antitrust violation under the Clayton Antitrust Act, and whether a corporation engaged in a self-tender offer must disclose to shareholders projections supporting its public prediction of "substantial growth" in future revenues.

The competition, created in 1989, is held annually in memory of the Honorable Luther M. Swygert, former Senior Judge of the United States Court of Appeals for the Seventh Circuit. Judge Swygert was extensively involved with Valparaiso and had a special interest in moot court programs.

Making A Difference

The Valparaiso University School of Law chapter of the Christian Legal Society (C.L.S.) hosted the first C.L.S. Midwest Regional Conference, focusing on the theme "Making a Difference." The conference was patterned after the National Student Leadership Conference, which is held yearly by C.L.S. for law school students and attorneys. Law students from seven states and twenty-three schools were invited to the conference with representatives from Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin attending.

The conference began with an address by Bradley P. Jacobs, the C.L.S. National Membership Coordinator. Other speakers included Professor Thomas Shaffer of Notre Dame who spoke on the relationship between the A.B.A. Code of Professionalism and Christianity, and Brent Ametto, a past C.L.S. National Officer. In addition, Dean Gaffney spoke on "The Spirituality and Constitutionality of the Lord's Prayer."

The conference also included seminars dealing with particular issues confronting Christians in the practice of law. Attorneys "Pepper" Goad, Dave Kolbe, and Jay Lavender, spoke about how their faith affected their practice in their respective fields of family, criminal, and civil law. They presented a realistic view of their practices as well as practical ways they have found to integrate their faith. Other seminars included a presentation by Bethany Christian Services which offers an abortion alternatives program, a law spouses seminar, and Bible studies led by Bruce Carr, '91 (an ordained minister in the Evangelical Covenant Church and former missionary to South America).

The conference offered an opportunity to interact with students from other schools and a chance to form new friendships, as well as serving as a forum to address practical concerns of how faith in Christ can be integrated into a legal practice.



1991 Swygert Moot Court; L-R: Judge Robert D. Rucker, William Beggs, Judge Robert L. Miller, Jr., Phred Mackraz, Judge William J. Bauer, Theo Jamison, Ted Johnson.

AMICUS BRIEFS

BLSA Open House

The Black Law Students Association (BLSA) hosted an Alumni Open House to honor the contributions to BLSA, the School of Law, and to the legal profession of three distinguished alumni - Judge Rucker, '77, Judge Bernard A. Carter, '84, and former Mayor of Gary and Adjunct Professor of Law, Richard G. Hatcher, '59.



Judge Bernard Carter, '84, and Cynthia Taylor, '92.

BLSA president Cynthia Taylor, '92, presented each of the three alumni with a special plaque and also acknowledged the guidance and support that BLSA received this year from **Professor Cheryl Stultz**. Regrettably, **Professor Stultz** will be leaving to return to her home in Washington, D.C., after the summer 1991 session.



Judge Robert Rucker, Jr., '77, and Richard Hatcher, '59.



To benefit the students, each year the Indiana Court of Appeals hears oral arguments at VUSL. This year, it was an "all Valpo" bench: (L-R) Judges William Conover, Wesley Ratliff, Jr., George Hoffman, Robert Rucker, Jr.

Students of Note

Each year, law students throughout the world compete in the Philip C. Jessup International Moot Court Competition. In the United States, there are eight regional competitions, and **Phred Mackraz, '91**, received the honor of "Best Oralist" in our region -- the Northern Midwest Region.

The 1990-1991 Client Counseling team, **Kristi Brown, '91**, **Beth Levine, '91** and **Koreen Payton, '93**, took top honors in their regional competition and earned the right to compete at the national competition.

This year's Negotiation Team, **Allen Fore, '91**, and **Michael Moellering, '92**, won first place at the regional rounds of the annual ABA competition. They were one of sixteen teams from eight law schools competing in the regionals. The team advanced to the national competition held in Seattle, WA.

As reported in the *Chicago Daily Law Bulletin*, **Allen Fore, '91**, is the recipient of this year's Illinois State Bar Association's Law Student Division Public Service Award. **Alan** was one of six ISBA student members to be nominated by their

law schools. Other finalists were from Loyola-Chicago, Northern Illinois, University of Illinois, DePaul, and Southern Illinois University. The award is given annually to a law student who participates in activities that enhance professional responsibility and provide service to the public.

Fall Golf Outing Planned

The Hispanic Law Student Association (HLSA) and the School of Law will be co-sponsoring a golf outing for students, faculty, friends and alumni on September 27, 1991.

The proceeds from the outing will be used to support HLSA and to establish a student scholarship fund.

WATCH FOR DETAILS!!

CAREER SERVICES ANNUAL REPORT

by Gail Peschel,
Director of Career Services

Valparaiso graduates continue to experience a high placement rate. Responses received from a recent survey of the Class of 1990 indicate that 90% had obtained employment within 6 months of graduation. This year's 90% employment rate compares favorably to the 92% to 96% employment rates reported in recent years, especially in view of the reported decrease in hiring throughout the country. Valpo's consistently high placement rate should be attributed to the strength of Valparaiso's academic program and its excellent faculty.

The 1990 data are based upon a questionnaire sent to all 1990 Valparaiso law graduates. Responses were received from 105 of the 112 class members. Private practice continues to attract the majority of graduates. Analysis of the data shows that over half the class members that responded had accepted positions in private practice, 59%. The percentage of graduates serving in judicial clerkships dropped to a five-year low of 9% while acceptances of government positions climbed to a seven-year high of 18%. More 1990 graduates accepted government administrative and prosecutorial positions than in recent years. Acceptances of public interest positions increased to 6%, a 3% growth, and business and industry acceptances declined to 6%, a 3% drop.

1990 Graduates by Type of Practice

Practice	#	% of Class
Law Firm	55	59%
Business & Industry	6	6%
Judicial Clerkships	8	9%
Government	17	18%
Public Interest	6	6%
Pursuing another degree	2	2%

Salaries for the class of '90 ranged from a \$72,000 in private practice to \$20,000 in public interest.

1990 Graduates' Salary Ranges

Category	Range
Law Firm Size	
2-10 attorneys	21,000-34,000
11-25	34,000-35,000
26-50	68,000-68,000
51-100	40,000-72,000
101-500+	55,000-72,000
Business	27,000-52,000
Judicial Clerkship	22,000-36,900
Government	
Prosecution	22,000-38,800
Administrative Agency	21,600-26,686
Public Interest	20,000-25,600

The Class of 1990 located in 17 states, with 84% of the Class locating in 7 midwestern states. Indiana continues to be the state with the greatest concentration of graduates. Illinois is second, and Michigan is third.

1990 Graduates' Location

Midwest		
Illinois	19	18%
Indiana	53	50%
Iowa	2	2%
Michigan	9	8%
Minnesota	3	3%
Ohio	1	1%
Wisconsin	2	2%
	89	84%

Northeast

Connecticut	1	
Wash. D.C.	1	
Maryland	1	
New Jersey	1	
New York	3	
Rhode Island	3	
	10	9%

Southeast

Florida	1	
Georgia	2	
Kentucky	1	
	4	4%

West

California	3	3%
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Other indicators of a strong academic program are bar passage

rates which continue to be high; 95% of 1990 graduates taking the Indiana bar succeeded on their first attempt. The pass rate in six of the other states was 100%.

The Career Services office is busy 12 months out of the year, but the focus of the office has turned to generating additional resources and employment opportunities. On-campus interviews are being scheduled, lists of employers seeking fall applications are being compiled, and job fairs are being organized. The Office is presently taking reservations for fall on campus interviews to be held any time after September 9, 1991. In July, two extensive resources will be sent to returning students: a compiled listing of employers interviewing on campus and a listing of employers seeking applications from students. Information about the employer as well as employer-imposed hiring criteria will be included. Job notices are also sent to alumni seeking a new position. Each month a compilation of nationwide job openings is sent to alumni who have contacted the office.

Job fairs or off-site interview programs are conducted in cooperation with a number of other law schools. Job fairs commence in August when three fairs will be held. In October, six more job fairs will be conducted in Cleveland, Chicago, Minneapolis, and Washington, D.C. Additional job fairs will be held second semester.

The advent of the computer and appropriate software has helped streamline the job search process for students. A compact disc version of *Martindale Hubbell*, the traditional job search tool, has been purchased by the law school. Using school computers, students can access employers listed in *Martindale Hubbell* as well as *NALPLINE*, a National Association for Law Placement employer database available through Westlaw. Employer searches can also be run on the *LEXIS* system. Additionally, Career Services has compiled a database of over 15,000 employers

CAREER SERVICES ANNUAL REPORT

which can be accessed by area of practice, firm size, or geographic location. Many of the employers on the school's database are not represented in marketed software packages.

Alumni are an integral part of providing career assistance to students. For example, alumni conduct mock interviews which help prepare students for actual interviews. By assisting with the mock interview program, the following alumni have been instrumental in providing students with additional insights into the interview process.

Beth Brown, '80
Gale Carmona, '89
Anne Gavagan, '82
Gary Germann, '73
Patrick Hansen, '84
Brian Hurley, '84
Mark Lienhoop, '81
Richard Rupcich, '86
Mark Schmidtke, '81
Eugene Schoon, '80
Bob Truitt, '73
Nancy Vaidik, '80
Bob Vegter, '70
Barbara Young, '76

Alumni also made possible most of the twenty-one career seminars presented this year. Ranging from job search strategies to a discussion on the diversity of the legal profession, seminars included "Opportunities in Environmental and International Law," "Understanding Fringe Benefits," "Diapers and Depositions (Almost Having It All: Lawyers Balancing Careers and Family)," "Dealing with the Public Interest Crisis," and "A Tale of Five Cities" -- a discussion by practitioners who live and work outside the Indiana/Illinois area. Special thanks to the following alumni who shared insights and strategies with students by participating in career seminars.

Sue Adams, '90
Julie Blackburn, '80
Cornell Boggs, '85
Barbara Bolling, '89
Jeff Boulden, '89
Bob Breshock, '82



L-R: Mary Squyres, '82; Don Seberger, '80; Cornell Boggs, '85; and Chris Fitzpatrick, '85 -- who presented a Career Services seminar on International and Environmental Practice at the School of Law.

Beth Brown, '80
Bernard Carter, '84
Jeff Cefali, '76
Leane Cerven, '83
Robert Cole, '81
Cathy Cupp, '82
Nadine Dahm, '89
Todd Dawson, '87
Roy Dominguez, '82
Chris Fitzpatrick, '85
Anne Gavagan, '82
Rick Gikas, '82
Fred Grady, '73
Patrick Hansen, '84
Ron Hayden, '88
Richard Hatcher, '59
Beth Henning Guria, '89
Brian Hurley, '84
Carol Kaesebier, '83
Cynthia Kambesis, '84
Susan Kellock, '79
Ron Kuker, '76
Paul Leonard, '82
Linda Long, '77
Fred Schellgell, '85
Don Seberger, '80
Mary Squyres, '82
Nancy Vaidik, '80
Marilyn Vasquez, '88
John Voor, '87
Warren Wenzloff, '88
Roger Weitgenant, '90
John Whitfield, '88
Linda Whitton, '86

Countless other alumni have assisted students by providing job leads and information about an employer or particular location.

Alumni also conducted interviews on campus. The School wishes to express sincere appreciation to the following alumni who, on behalf of their firm/organization, conducted interviews on campus:

Jon Abernathy, '83,
Goodin & Kraege,
Indianapolis, Indiana.
Gary Boyn, '72,
Warrick, Weaver & Boyn,
Elkhart, Indiana.
Robert Breshock, '82,
Arthur Anderson & Co.,
Chicago, Illinois.
Craig Buche, '85,
Yoder, Ainlay, Ulmer &
Buckingham,
Goshen, Indiana.
Dennis Burgy, '73,
Drager, O'Brien, Anderson, Burgy
and Garbowicz,
Eagle River, Wisconsin.
Samuel Cappas, '86,
Lake County Prosecutor's Office,
Crown Point, Indiana.
Bonnie Coleman, '84,
Hodges, Davis, Gruenberg,
Compton & Sayers,
Merrillville, Indiana.

CAREER SERVICES ANNUAL REPORT

Cathy Cupp, '82,
Chapman & Cutler,
Chicago, Illinois.
Randy Dessau, '85,
Peper, Martin, Jensen,
Maichel and Hetlage,
St. Louis, Missouri.
Michael Drayton, '80,
Sallwasser & McCain,
LaPorte, Indiana.
Rick Gikas, '82,
Kopack & Gikas,
Merrillville, Indiana.
Frank Gray, '66,
Beckman, Lawson, Sandler,
Snyder & Federoff,
Fort Wayne, Indiana.
Ronald Hayden, '88,
Mayer, Brown & Platt,
Chicago, Illinois.
Earle Hites, '72,
Hodges, Davis, Gruenberg,
Compton & Sayers,
Merrillville, Indiana.
David Holub, '82,
Ruman, Clements & Tobin,
Hammond, Indiana.
Phillip Houk, '86,
Allen Superior Court,
Fort Wayne, Indiana.

Linda Kibler, '87,
Eichhorn, Eichhorn & Link,
Hammond, Indiana.
Ronald Kuker, '76,
Hoeppner, Wagner & Evans,
Valparaiso, Indiana.
Ron Kurpiers, '87,
U.S. Attorney's Office,
Hammond, Indiana.
Ben Llaneta, '85,
Intercargo Corporation,
Schaumburg, Illinois.
Brett Miller, '83,
Lewis, Kappes, Fuller & Eads,
Indianapolis, Indiana.
Michael Philippi, '84,
Coffield, Ungaretti, Harris
& Slavin,
Chicago, Illinois.
Peter Pogue, '89,
Locke, Reynolds, Boyd & Weisell,
Indianapolis, Indiana.
Chief Judge Wesley Ratliff, Jr., '50
Indiana Court of Appeals,
Indianapolis, Indiana.
Robert Scott, '87,
McHale, Cook & Welch,
Indianapolis, Indiana.
Mark Schmidtke, '81,
Hoeppner, Wagner & Evans,
Valparaiso, Indiana.

Jim Shea, '84,
Hunt, Sudoff, Borrer & Eilbacher,
Fort Wayne, Indiana.
Stephen Snyder, '71,
Beckman, Lawson, Sandler,
Snyder & Federoff,
Fort Wayne, Indiana.
Jim Stankiewicz, '73,
J.J. Stankiewicz & Associates,
Merrillville, Indiana.
Mark Van Slooten, '87,
Kramer, Butler, Simeri,
Konopa & Laderer,
South Bend, Indiana.
William Vogelzang, '78,
Kluczynski, Girtz & Vogelzang,
Grand Rapids, Michigan.
John Whitfield, '88,
Rushing & Guice,
Biloxi, Mississippi.

We sincerely appreciate all the assistance alumni provide students. Alumni cooperation and support in providing opportunities and preparing students for the job search are valued strengths of the law school and valuable assets for students.

THE EARTH: SOMETHING TO LOSE?

THE ENVIRONMENTAL CHALLENGE -- WHERE DO WE GO FROM HERE?

by Gaylord Nelson

The following is the text of the VUSL Law Day address delivered by former Wisconsin State Senator and Governor and U.S. Senator Gaylord Nelson. The founder of the first Earth Day in 1970, Nelson now serves as Counselor to The Wilderness Society.

The President, Congress, the media and opinion leaders around the nation devote (almost all of their) time and energy discussing events and issues of immediate concern -- the economy, jobs, wars, budget deficits, drugs, crime on the streets, the worldwide unravelling of communist systems and many more. These are front page type issues that will always command our attention. But, strangely, an issue of immeasurably greater import than any of these draws comparatively scant attention. Right now, and in the long haul into the next century and the centuries thereafter, no other issue is more relevant to the condition of human life than the status of our resources -- air -- water -- soil -- minerals -- scenic beauty -- wildlife habitat -- forests -- rivers -- lakes -- oceans. These resources define the habitat and the limitations for survival of all species, plant and animal, including humankind. In comparison, all other issues are relatively insignificant.

Certainly, as rational individuals we now understand:

That the viability of our economic system depends upon our resource base;

That issues of war, peace, hunger and revolution are mightily influenced by the availability of resources;

That nuclear war is not inevitable but environmental disaster is inevitable unless we act in a timely fashion;

That in many corners of the earth population numbers already far exceed the supply of resources necessary to sustain an acceptable quality of life;

That, indeed, our physical well-being, our standard of living, the quality of our lives is directly, specifically and tightly tied to our resource base.

If all of this is so, and clearly it is, then surely we must soon muster the political will to address this issue while there is still time.

When I organized Earth Day in 1970, several thousand school children wrote to me expressing their concern about the environment. Ballantine Books published a selection of these letters in a book entitled *What Are Me And You Gonna Do?* The title came from a question posed to me in one of the most touching of these letters, which came from a fourth grade student who expressed the urgency of the situation demanding that something be done right now. Her expression of urgency is even more timely today than it was 21 years ago. Here's what this little girl said in her letter:

Dear Sir:

I'm ten years old and very worried about our growing environment. I wish I could feel free to breathe the air I do breathe, swim in the water I do swim in, look at the ugly diseased or burnt trees that were once beautiful. I sometimes wonder if you really do anything about it? Why, and you ask what do you mean why? Well, I mean, why just stand (or sit) there reading my letter **DO SOMETHING!!!!**

Call the President! Do anything, but, STOP POLLUTION!!!

A concerned 4th grader,
Kristie Sue Houch

P.S. The birds, giraffes, and other high animals can't live with air pollution. I am a very, very healthy little girl. What am I to do?



Gaylord Nelson

My remarks will be confined mainly to the political aspects of the issue because it is in the arena of politics where we will succeed or fail to meet the environmental challenge so critical to our future.

The first and most important political and economic reality to recognize is that all industrial nations are degrading and dissipating their sustaining resource base. In short, we are all consuming our capital assets -- our wealth -- and counting it on the profit side of the ledger. The basic wealth of a nation is its air, water, soil, forests, minerals, rivers, lakes, oceans, scenic beauty and wildlife habitat. Take it away and all that's left is a desert. Unless we change our ways, our legacy will be one of pollution, poverty and ugliness for this and future generations.

Every business enterprise in history that consumed its capital and called it profit went bankrupt. Sovereign nations are no different -- it will just take them longer to get there.

In the past century, the industrial world has destroyed or degraded a great portion of the capital accumulation on earth by air, river, lake and ocean pollution, soil erosion, depletion of aquifers, overdrafting ocean resources, deforestation and destruction of wildlife habitats and scenic beauty.

This is a profound moral and ethical issue. We are not borrowing

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from the future; we are simply stealing from the heritage of future generations - our children, grandchildren, great grandchildren and generations yet unborn - and converting their rightful heritage to our use and charging the cost to them, all to be paid for with a lower standard of living and a lower quality environment.

If we are going to stop dissipating this resource base, which certainly we must, then three important things must happen during the next 30-40 years -- beginning soon.

Those three things involve, first, bringing together a unified political coalition behind an environmental program to create a sustainable economy; next, we must implement a long-term nationwide environmental education effort aimed at nurturing a conservation generation; and, finally, we must insist upon vigorous, imaginative Presidential leadership. Indeed, Presidential leadership is not merely important - it is crucial. It is the key to the whole enterprise. The President must be the catalyst that serves to coalesce the nation behind a positive program of action. No one else can do it.

Last year, at the economic summit in Paris, President Bush said: "This summit marked a watershed. We agreed that decisive action is urgently needed to preserve the earth." Thus far there has been no decisive action. We hope the President will soon announce what "decisive action" he thinks necessary to preserve the Earth.

Now for a few moments let's examine the three important things that must happen if we are going to stop dissipating our life-sustaining resource base.

First - We must begin a carefully designed economic-environmental program with the objective of creating an *environmentally sustainable economy*. That is to say, an economy that is not fueled by consuming our capital - one that is sustained by living off the interest, so to speak. Put more simply - we must

stop fouling the nest that is our home - our habitat - our living quarters. Surely that is not an unreasonable goal.

Everything that needs to be done to create a sustainable economy is well within our capacity. The only question is whether we have the vision to recognize the necessity of acting soon and the national will and political leadership to implement such a program.

The inevitable question is, will it be expensive? The answer is, yes, it will be expensive in the short run but very profitable in the long run. Can we afford it? The answer is, yes, we can well afford it but more importantly we cannot afford the alternative. The cost of failure would be prohibitive and the societal result unthinkable.

The first step on the path to a sustainable economy requires the forging of a social compact among all economic, political and social groups in our society --business -- labor -- agriculture -- academia -- religion -- general public -- government. All of these groups are essential participants. Their consent and political support is a necessary element in the process. The encouraging thing is that all of the elements necessary to forming such a compact are clearly visible on the horizon. The missing factor in unifying this group behind a program is leadership at the top. More about that in a moment.

Second - We must nurture a "conservation generation" imbued in its heart and mind with a strong conservation ethic that serves to guide its conduct respecting all matters relating to nature and its works. Absent a conservation ethic deeply ingrained in our culture, we will continue in the future, as we have in the past, to destroy enduring national values in exchange for a handful of silver and a mortgage on the future.

When experts are asked to list the most serious environmental problems they are practically unanimous in

ranking at the top of the list the calamitous consequences of continued exponential population growth. Even by the most optimistic scenarios world population will increase by 95 million every year during this decade adding a net of one billion to the current world population of 5.3 billion for a total of 6.3 billion. Does anyone really believe this will be a better world with a billion more people ten years from now, that the United States will be a better country with 100 million more people, as projected, 60 years from now or that New York, Miami, Chicago and Los Angeles are better cities than when they were half the size and will be better still when half again as large.

After population, the experts list such vital matters as the threat of global warming, pollution of the oceans, declining bio-diversity, ground water pollution, hazardous wastes and many more. All of these issues would rank high on any list. However, ironically, what may be the single most important environmental issue is rarely noted or mentioned anywhere. Yet it most certainly is the key to our environmental future. The absence of a pervasive, guiding conservation ethic in our culture is the issue. It is a crippling if not, indeed, a fatal weakness. Society's answer must be to focus its attention and energies on nurturing a conservation generation imbued in its heart and mind with a conservation ethic. Without such a guiding principle society will not have the understanding, motivation, conviction or political will to persist in addressing the truly hard questions that will confront us in the decades to come. Social, political and economic conduct is powerfully influenced by the customs, ethics and mores of society. For two hundred years we have acted upon the false assumption that our resources were boundless, that we could dissipate and exploit them with lavish extravagance without end. We have uncritically assumed that the vast quantities of toxic chemicals, hazardous wastes and all other pollutants could be safely vented into the air, dumped in the oceans, lakes,

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marshes, rivers and on the land because nature would somehow contain or neutralize them. We did not seem to care or understand that nature's capacity to heal is limited and has been exceeded in vast regions of the earth in many dangerous ways.

Tragically, the universal guiding ethic of the United States and all other industrial nations since the industrial revolution has been maximum exploitation of all resources with minimum concern for the environment. Our guiding ethic has been quite precisely described by a Japanese journalist who was asked by Ecologist Paul Ehrlich why the Japanese whaling industry is busily exterminating the very source of its wealth. The answer: "You are thinking of the whaling industry as an organization interested in maintaining whales. Actually it is better viewed as a huge quantity of capital attempting to earn the highest possible return. If it can exterminate whales in 10 years and make a 15% profit, but it could make 10% with a sustainable harvest, then it will exterminate them in 10 years. After that, the money will be moved to exterminate some other resource."

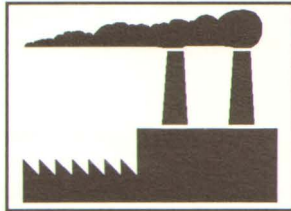
Economist Herman Daly cogently summarized this evolving tragedy when he said; "... there is something fundamentally wrong with treating the earth as if it were a business in liquidation." Nonetheless, that fairly describes our stewardship of the planet.

Herman Daly is one of those rare economists who recognizes that economics and the environment are not separate, independent, unrelated disciplines. They are inextricably intertwined.

Recently Maurice Strong, referring to the 1992 United Nations Conference on the Environment and Development, stated that the goal of the conference "is to place the environment squarely at the center

of economic decision-making, so that we can balance our economic aspirations against our environmental imperatives."

The Brazil Conference will be a success if it convinces the economists that there is more to calculating the Gross National Product than counting the number of tin cans, cars and toilet seats produced each year. Amory Levins recently summed up the problem in that profession



saying, "economists are those people who lie awake nights worrying about whether what actually works in practice could conceivably work in theory."

Had our society been guided by a conservation ethic, we would not have fallen into an endless number of avoidable costly environmental blunders. We would not have polluted ocean estuaries, rivers, lakes and the air. Indeed, guided by a conservation ethic we would not continue to this very day draining valuable wetlands at the rate of 300,000 acres a year. Neither would we continue to waste taxpayer dollars subsidizing timber sales from our national forests at a cost of \$365 million a year - a cool one million dollars a day. And, in the process destroying watersheds, fisheries, wildlife habitats and scenic beauty. If we were, in fact, guided by some meaningful ethic, we wouldn't continue cutting down the last significant stands of old growth temperate zone rain forests left on the planet; once gone, its like will never be seen again.

Ironically the most devastating commentary on our forestry practices came from Vladimir Molozhnikov, a Soviet ecologist and botanist, who visited Oregon with a group of seven scientists in October 1990. This is a quote from Molozhnikov:

I am a forest ecologist with 30 years of experience in the forests of Siberia. Not long ago I was able to visit the forests of Oregon. I went to different spots in

the forest and saw the forest from the air, and I was stunned by the scale of logging.

Earlier I had to refer to the literature describing the way forests in the U.S. are managed. In these sources a bright picture is painted. We in the U.S.S.R. were often taken by the American approach. You were an example of a progressive country capable of intelligently using your forests. Your example was even used to cool the heads of our aggressive forest industrialists.

And now I'm in the U.S. It's time to have a look at the way forestry should be done. But what I've seen in Oregon, in my deep conviction, won't make it possible to use your forest techniques as an example. If one of my friends had seen and told me of such, I would have never believed him. But it is not someone else who has seen it; I have seen it with my own eyes: a multitude of bare, forestless cliffs, slopes ribboned with roads, intensive erosion of soils, silting of rivers and reservoirs, loss of animal habitat, the disappearance of recreational areas.

So what to do? What can future generations expect after us? It's often said now that the earth is now our common home. But if it's our home, then let's by our common efforts put it in order.

I don't want to be misunderstood. I'm not trying to lecture Americans. All I care to do is in a friendly way warn you: don't repeat our mistakes! Tremendous natural resource use and planned transformations of nature

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has led our system to the point of ecological crisis. The crisis is apparent even in Siberia. And with this crisis, as undeniable consequences, have come economic crises as well.

So in closing I want to give the American people a little advice: don't cut down the limb on which rests the well being of the people, or else your fall will be even more frightful than ours. After all, you still have something to lose.

Mr. Molozhnikov's observation is all the more damning coming from one who has witnessed it all firsthand and sees us blindly pursuing the same course, down the same path to the same end.

Fortunately, there are encouraging signs that we as a society are beginning to develop a conservation ethic that will ultimately flower into a powerful social, political and economic force. The sooner the better.

A committed conservation generation is crucial to the political process through which we will do or fail to do what is necessary to forge an environmentally sustainable economy in the next three or four decades.

If we are going to succeed in raising a conservation generation soon enough to have a significant impact in the near term, we must initiate a comprehensive nationwide environmental education program in every school system in America. This is the goal of Earth Day. The Governor of every state should have at the top of his or her agenda a proposal mandating that environmental education be included in the curriculum for every class from kindergarten through high school. Wisconsin has mandated such a program and it is being implemented at this time. The long-term goal of Earth Day U.S.A. is an environmental education program in every school in every state.

A well-designed environmental education program will produce an informed and committed conservation generation that will provide the critical understanding and support for moving the nation to a sustainable economy.

The Third ingredient necessary to the process of forging a coalition of all leaders and groups behind a long-term program to create a sustainable economy is far-sighted and bold leadership from this and all future Presidents. Without that leadership, we will continue to blunder along losing ground year by year.

Only the President has the prestige to step forward and capture the attention of the nation and provide the credibility and urgency necessary to move the nation.

We are dealing with a major social, ecological and economic challenge unlike any other in our history. It is a challenge that begs for the kind of dedicated, inspirational leadership provided by Franklin Roosevelt and Winston Churchill in their pursuit of victory in the Second World War.

Nothing less will set in motion the public and private machinery necessary to stir society to join forces in a coordinated long-term effort to build a sustainable economy.

We are now at one of those rare points on the time frame of history when a remarkable combination of world events has come together opening a window of opportunity for statesmen with the vision and courage to seize the moment and change the course of history for the better.

The Soviet economy is a shambles. The unity of the nation has been seriously shaken if not shattered. The political system of the whole East Bloc is in a state of collapse.

The United States stands alone as the only super power. It is now in the perfect position to bring together a coalition of world leaders for the

purpose of designing a long-term program of massive arms reductions.

Over a period of four decades, the world has been in the grip of an irrational arms race. The United States and the Soviet Union have led the parade with far and away the largest military budgets, totalling some \$600 billion a year. They are also the largest arms merchants selling 70% of a world total of \$32 billion annually. Every one of these nations desperately needs relief from the burden of military expenditures.

A coalition led by the United States would inspire the world and give it the dramatic leadership it yearns for if they would propose a worldwide reduction of at least 50% in military expenditures during the next half dozen years or so and another 50% in the following decade with part of the annual savings allocated to husbanding the ecosystem of the planet. Furthermore, they have, jointly, the economic and political power and influence to persuade or pressure any reluctant nation to join in a worldwide arms reduction agreement.

If we will put half as much energy, imagination and commitment into demilitarizing the world as we have in turning it into a dangerous, unstable armed camp, we will have set the course for a better world.

The leaders of the military-industrial complex that President Eisenhower warned about in his farewell address are now hard at it asserting that the Iraq war demonstrates the need for a large military establishment and the folly of military budget cuts. How else, they ask, can the United States and its allies police the world and enforce order whenever and wherever they think our interests may be threatened?

The answer is that we can do it if we put our total energies into forging a U.N. agreement to phase in major military reductions, monitored by regular U.N. inspections and enforced by a total

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embargo on trade and commerce, including air traffic and electronic communications against any nation that refuses to support the agreement.

It doesn't require any unusual insight or perception to note that if all nations reduce their offensive military capacity by half, the relative balance of power remains approximately the same.

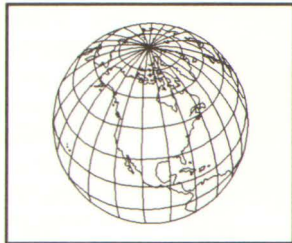
This is not idealism run amok; it is, plainly and simply, hard-nosed realism. How much longer are the United States and the Soviet Union going to lead a world parade that squanders almost a trillion dollars every year on weapon systems that put us all in greater jeopardy while we continue to degrade and dissipate the resource base that sustains us?

Unfortunately, instead of grasping the best opportunity in a half century to bring the arms race under control, the Administration plans to fuel the fires with \$18 billion in military sales to the Middle East in the next year. They say we owe it to our friends to supply them with the best and most sophisticated weapons in our arsenal. Never mind that many of our current friends there are enemies of each other. Nonetheless, we will modernize the weapons systems of both Israel and the Arab states, making all of them more vulnerable and insecure -- further contributing to instability in the region. The New York Times editorialized against the sale saying that "instead of trying to negotiate restraints, President Bush seems eager to reopen the Middle East Arms Bazaar. It's up to congress to reverse his priorities."

Of course, it is also a very profitable business for arms manufacturers and merchants; furthermore, it helps the balance of payments and signals the politically powerful military industrial complex that we will find some rationale for protecting their interests come what may.

As we arm our current friends in the Middle East, everyone left off our list will jump into the race buying arms wherever they can be found.

Arms sales in that region at this time is bad politics, bad policy and totally unnecessary. Our first order of business in the Middle East should be to seek an agreement among the four leading suppliers to strictly limit sales. The Soviet



Union, the United States, France and Britain are, in that order, the largest arms merchants in the region, selling almost 80% of the total over the past several years. The Soviets have already expressed an interest in curtailing sales; so has Egypt's President

Mubarak and Israeli Defense Minister Moshe Arens. This is an open invitation for the United States to propose an international moratorium. What better way for the President to launch his "new world order."

Surely an arms race in the Middle East is not to be our dividend for winning the Gulf War.

Very few Presidents are afforded the opportunity to achieve greatness. Those who did, achieved it because they successfully met a major threat to the security of the nation: war, social turmoil, economic chaos. These were the challenges faced by Washington, Lincoln and FDR.

Now, for the first time in history, the nation is confronted with a challenge far more serious than any war or economic depression in the past. History has demonstrated that nations can recover from lost wars -- depressions -- revolutions -- but no country has demonstrated it could recover from environmental devastation. That, certainly, is too risky to try.

The environmental issue, with all of its ramifications, will be the most important political issue before us for the balance of this century and

most, if not all, of the next. The United States is the biggest industrial power and by far the biggest consumer of the world's goods. It has an obligation to set an example and provide world leadership.

Let us hope that President Bush will grasp the opportunity to lead the world down the path of massive arms reductions and initiate the battle to preserve the integrity of the planet.

President Roosevelt's acceptance speech in Philadelphia in 1936 contained some eloquent lines appropriate for that generation. What he could not have anticipated is that these lines would be even more fitting for the generation that shortly will take the reins of national leadership in both the private and public sector.

His lines were:

"There is a mysterious cycle in human events. To some generations much is given. Of other generations much is expected. This generation of Americans has a rendezvous with destiny."

Since the new generation of leadership will have an overwhelming interest in determining what that destiny will be, this certainly is a rendezvous it cannot afford to miss.

LAW REVIEW CELEBRATES 25TH ANNIVERSARY



The Board of Volume 1 (as they now appear -- compare to the cover photo of the Board members in 1967); L-R Pete Wilson, John Yakimow, Bruce Berner, Alan Landmeier, Al Meyer, Mike Swygert, Mike Virgil, Bob Lee.

REFLECTIONS OF A BOARD MEMBER OF VOLUME 1

by Associate Dean and Professor Bruce G. Berner, '67

On 20 April 1991, at a delightful occasion at Sand Creek Country Club, the editors of Volume 25, *Valparaiso University Law Review* hosted a reunion of the Volume 1 editors. As a member of that original board and as someone who has, save for four years, observed the operation of the *Review* at close quarters, I had a nostalgic, joyous evening.

A few reflections. With the exception of our Business Manager, George Valsa, all of the original crew attended -- our Business Guru, Bob Lee (class of '66) and the *Review* editors (all from the class of '67, still widely regarded¹ as the best class to have passed through these hallowed halls) -- Editor-in-Chief (also serving as the main speaker) Michael Swygert, and Editors Allen Landmeier, Pete Wilson, Mike Virgil, John Yakimow, Bruce Berner. All are remarkably successful and happy (with the exceptions of Swygert and Berner who had to go back to law schools to gain employment); none has aged at all. (Perhaps this is because when we finished both issues of Volume 1 we *already* looked 50!)

As to all the following boards, the Volume 1 editors all agree that the *Review* has remained in good hands, continues to grow in respect and visibility, and has

seen many important changes and innovations. (All of these we view as positive except for the cover color change -- to quote Mike Swygert, who spoke for all of us, "What the hell happened to the Brown & Gold?") We salute boards 2-25 for their faithful stewardship.

We speak a law review blessing on the editors of Volume 26: "May all your authors meet their deadlines; may all citations be easily findable and always correct; may the printer cut prices; may the Seventh Fleet all write in for lifetime subscriptions; may all articles and notes make less sense when read backward for spelling."²

Finally, we salute our founder and mentor, Big Al Meyer. He had the inspiration; in countless ways he *was* the inspiration.



Editors-in-Chief present at the celebration included: L-R, Jayme Walker, '89; James Kapitan, '91; Mike Swygert, '67; Dave Welter, '90; and Amy Lawrence, '92.

1. By the class of '67

2. Long before records played backwards yielded secret messages, two of us discovered to our amazement that one of the lead articles in Volume 1 flowed much better backward.

25 YEARS LATER: A RETROSPECT

by James M. Kapitan, '91
Editor-in-Chief, 25 Val. U. L. Rev.

This year marks the twenty-fifth anniversary of the *Valparaíso University Law Review*. To celebrate the event, our editorial board invited the members of the editorial board of Volume 1 to be the guests of honor at the annual Law Review banquet. To our surprise, all but one member of the initial board attended.

The guest speaker was Professor Michael I. Swygert, Stetson University College of Law. Professor Swygert was the Editor-in-Chief of Volume 1. In listening to Professor Swygert and his fellow board members tell their war stories, I had to marvel at the changes that have taken place over the past quarter century. Not only has the *Valparaíso University Law Review* undergone several major changes, but the entire law review process has changed on a nation-wide scale.

For example, today law reviews have to actively market themselves, not only to subscribers but to potential authors as well. American law schools generate over 150 general interest law reviews, each published at least three times per year. Competition among law reviews for articles from well-known authors can be fierce. To avoid such competition, many law reviews are sponsoring and publishing more symposiums. By sponsoring symposiums, a law review can guarantee that it will have articles from outside authors.

Although we have published symposiums in the past, the *Law Review* hopes to be much more aggressive in sponsoring and publishing symposiums in the future. Toward that end, we have created the position of Associate Editor for Special Projects. The Associate Editor for Special Projects will be responsible for, among other things, soliciting articles from outside authors and planning symposiums. By aggressively marketing the *Law Review*, we hope to enhance both its overall quality and its image in the legal and scholarly communities.

Along with marketing concerns, law reviews must be much more cost conscious than in the past. Subscription revenue covers only a fraction of the cost of publishing a law review. Therefore, law reviews must look to new ways to increase revenues or reduce costs.

To reduce costs and improve quality control, the *Valparaíso University Law Review* is now being published on a desk-top publishing system in the *Law Review* offices. We prepare the *Law Review* in camera-ready copy form and merely have our printer copy and bind each issue. In the past, we relied on the printer to typeset the *Law Review* for us. This resulted not only in additional expense, but also in sometimes embarrassing typesetting errors. Although we had to purchase a new high-resolution laser printer in order to put our system into effect, we anticipate that our new system will pay for itself within the first year. As an additional benefit, we no longer have to

scrutinize preliminary proofs of the *Law Review* for typesetting errors. Currently, only a handful of law reviews have developed desk-top publishing systems. In this area, the *Valparaíso University Law Review* is definitely on the cutting edge. If the way in which our delegates at the National Conference of Law Reviews were swamped with desk-top publishing questions is any indication, many other law reviews will follow our lead in the years to come.

In meeting and spending a little time with the editorial board of Volume 1, I learned that despite all of the changes of the past twenty-five years, the *Valparaíso University Law Review* has remained the same in the most important ways. As it was a quarter century ago, membership on the editorial board still provides a great sense of pride and a true feeling of camaraderie among fellow board members. As the editorial board of Volume 1 taught me, the friendships developed through participation in the *Law Review* are sincere and truly lasting. Most importantly, the *Law Review* continues to provide an effective vehicle by which students and faculty may engage in scholarly legal expression.

My hope for the next twenty-five years is that the *Valparaíso University Law Review* continues to grow and improve. I hope that the *Law Review* can provide a source of pride for all students, faculty and alumni. Finally, I hope that membership on the *Law Review* provides future editorial boards with the same sense of accomplishment that it provided the editorial board of Volume 25 -- that it provided the editorial board of Volume 1.

Members of the Board for Vol. 25 are pictured below (complete with the eye-glasses made famous by the Board of Vol. 1). They are, from left to right: Paul Jesse, Craig Van Ess, Paul Landskroener, Cindi Oppliger, Laura Brown, Beth Lynch, James Kapitan, Marilyn Holscher, Cheryl Kuechenberg, Brian Welch, Phred Mackraz, Barbara Petrunaro.



FACULTY FOCUS -- U.S. Const. amend. II

THE HISTORY OF THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION

By Professor David E. Vandercoy

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

- U.S. Const. amend. II

Introduction

Substantial debate has occurred in recent years over the issue of gun control. Major zealots urge total disarmament of individuals, not control. Minor zealots urge only that handguns and assault rifles be outlawed. Highly publicized events, such as the attempted assassination of Ronald Reagan and the mass murder of customers in a McDonald's fast food restaurant, precipitate new efforts to control what has come to be known as the great American gun war. Zealots opposing control claim a natural and inalienable right to self-preservation. The logic of these advocates is simple: If guns are outlawed, only outlaws will have guns.

Both proponents and opponents of gun control claim support from the Second Amendment. Gun proponents claim that the natural right to self-preservation is embodied in the language "... the right of the people to keep and bear arms, shall not be infringed." Opponents of gun ownership by individuals claim that the right to possess arms should and does belong exclusively to the state. Thus, guns may be borne, as a matter of constitutional right, only by members of a state militia.

The purpose here is to examine the history of the Second Amendment to define original intent. Did the framers intend to establish an individual right to bear arms, a collective right belonging only to the state, or both? To define original intent, one must examine

the history of armed citizens in England, the political views of the framers, and the events attending ratification of the Constitution and the Bill of Rights.

Last, by way of disclaimer, the narrow purpose here is to ascertain original intent. It is not suggested that original intent does or does not control resolution of the current issues. Hopefully, while not resolving the issues, defining original intent will inform our judgment on these matters.

The History of Armed Citizens in England

Blackstone credits King Alfred, who ruled England from 871 to 901, as establishing the principal that all subjects of his dominion were the soldiers of the realm. King Henry II formalized the duties of his subjects in 1181 by issuing the Assize of Arms. The Assize required not only arms to be possessed by all free men, but also precluded the possessor from selling, pledging or in any other way alienating the weapons.

The citizen army concept continued to develop through the Tudor period. Henry VIII decreed that fathers must purchase longbows for sons between 7-14 years of age and to teach them and bring them up in shooting. Each citizen between the age of 14 and 40 years was required to own and use a longbow. Queen Elizabeth formalized the process somewhat by issuing instructions for general musters of the citizen army. Commissions were issued to various knights to take charge of such musters. The stated purpose of the musters was to enable Elizabeth to know the "numbers, qualities, abilities and sufficiency of all her subjects in that county..., from the age of sixteen years upward, that may be found able to bear armor or to use weapons on horseback or on foot." The citizen army, during Elizabeth's reign, acquired the name "militia."

By the end of the Tudor period, the citizen army or militia concept

had become a fixed component in English life. Commentators of the period attributed English military successes to the universal armament practice prevalent in England but absent on the Continent. Visitors from the Continent could not escape the stark difference. In 1539, a French ambassador noted that he found every English subject capable of serving in arms, including boys of 17 or 18. Subsequently, historians would suggest that universal armament had caused a moderation of monarchical rule and fostered development of individual liberties in England since the populace "had in reserve a check which soon brought the fiercest and proudest King to reason, the check of physical force." This significant check on abuse of monarchical rule had not escaped Parliament's notice.

In the 1600's, the relationship between the Crown and Parliament deteriorated. Charles I, annoyed with Parliament's claims of right, dissolved Parliament for a period of eleven years. In 1640, Charles I had no choice but to call Parliament to session for purposes of raising additional taxes because of a rebellion in Scotland. The new Parliament seized the opportunity to assert its influence to the detriment of the monarchy. Parliament secured for itself the power of dissolving. In addition, Parliament demanded that Lord Strafford, the King's leading minister, be removed from his post on the grounds that Strafford had raised a standing army in Ireland. The King complied; Strafford was executed; Ireland revolted.

Swelled with its success in maneuvering the King, Parliament moved to seize control of the militia. The King balked and refused to accede to this demand. Parliament moved forward and appointed its own officers to take charge of the militia. Parliament called out the militia and warned that militia units mustered under authority of other than Parliament would be punished. The King did the same. The result was civil war. Seven years later, Parliament's forces prevailed:

ORIGINAL INTENT: U.S. Const. amend. II

Charles I was executed in 1649, the Kingship and the House of Lords was abolished and England was declared a free state.

Parliament's declaration notwithstanding, England was not a free state. Force of time had converted the militia, mustered in 1642, into a standing army by 1649. After a period of years, the soldiers were no longer citizens serving occasionally as the need arose. Many were no longer willing to follow the dictates of Parliament. Several events had led to this situation. One cause was Parliament's failure to pay the soldiers. Other events included Parliament's actions favoring a national Presbyterian church. As it happened, many Army leaders, including Oliver Cromwell, were advocates of religious freedom. Army leaders took the position that the English people's freedom of worship was a right over which Parliament had no control.

As a result of these events, part of the army began to see itself as an independent political force empowered to act in the name of the people. The army, increasingly subject to Cromwell's control, proposed an "Agreement of the People" which excluded Parliament's power over religion, impressing men into the army or navy, requiring accused persons to incriminate themselves, etc. Parliament rejected the "Agreement" and attempted to disband the army. The army declined and eventually took over the government, installing the so-called Rump Parliament. When a subsequent Parliament attempted to disband the army, it was dissolved. Ultimately, Cromwell was bestowed the role of Lord Protector by another Parliament. This Parliament also attempted to reduce the size of army and revitalize the militia. Cromwell dissolved Parliament and created a military government. Cromwell's army was authorized to disarm all Catholics, opponents of the government and anyone else judged dangerous.

When Cromwell died in 1659, the Rump Parliament met again and enacted laws which empowered government officials to confiscate arms from landowners to protect the Commonwealth. Shortly thereafter, legislation was passed authorizing the seizure of arms from Catholics, anyone who had borne arms against Parliament or anyone else judged to be dangerous to the State.

The army intervened in 1660 with General George Monk reinstating members of Parliament who had been purged in 1648 because they favored the monarchy. Parliament then restored the monarchy by placing Charles II, son of the executed King, on the throne. Consider Charles II's position. He had no army. His father had been executed after civil war with Parliament. As a result of the policy of universal armament and the civil war, the English people were armed to the teeth. Cromwell's army of 60,000 were mingled with the rest of the population. A prudent monarch, Charles II decided to develop an army and disarm the population.

Charles II began molding a militia loyal to the throne by directing that his officer corps assemble volunteers for separate training and "disafforded persons ... not allowed to assemble and their arms seized." In 1662, the "select" militia was authorized to seize arms of anyone judged dangerous to the Kingdom. In addition, gunsmiths were ordered to report weekly on the number of guns made and sold; importation of firearms were banned. Gun control had arrived.

A move toward total disarmament occurred with passage of the Game Act of 1671. The game act dramatically limited the right to hunt to those persons who earned over £100 annual income from the land. More importantly, and unlike any prior game act, it made possession of a firearm, by other than those qualified to hunt, illegal and provided for confiscation of those arms.

Charles II's successor, his brother James, pursued the disarmament policy. The common perception was that James, a Catholic, was disarming Protestants in Ireland and the new Whig party which opposed him. James ultimately asked Parliament to suspend the Habeas Corpus Act and to abandon the militia concept in favor of standing armies. Parliament refused.

James responded by placing 13,000 men of his army outside London. At this point, 1688, James' son-in-law, William of Orange, a protestant, landed in England with a large Dutch army. James' army deserted him and James fled to France.

William and Mary assumed the role as sovereigns in 1689. Parliament restricted the powers of these monarchs by adopting the Declaration of Rights. William and Mary were required to accept the rights enumerated in the declaration as the rights of their subjects and to rule in accordance with Parliament's statutes. The declaration recited James' abuses, including the raising and keeping of a standing army without Parliament's consent, quartering of troops in private homes and causing Protestant subjects to be disarmed. The declaration set forth the positive right of Protestant subjects to have arms for their defense suitable to their conditions and as allowed by law.

English political theory was influenced by the events which occurred during and after the civil war. The propensity for standing armies to abuse their power, the temptation for the ruling faction to disarm their opponents and to use "select" components of the militia for illicit ends were all recognized as problems to be addressed by citizens who wish to maintain their liberty.

Blackstone suggested that the violence of oppression would best be restrained by the individual right to bear arms. An armed citizenry would stem any abuse of power by the necessarily smaller standing army and serve to protect the people's

ORIGINAL INTENT: U.S. Const. amend. II

liberty. Other English theorists, particularly those espousing "republican" ideals, addressed the virtue of an armed population.

One of the leading republican theorists was James Harrington. Harrington's beliefs were quite simple and direct. He believed that ownership of land gave men independence. This independence would cultivate other rights we now consider fundamental rights, including the right of self-government. Harrington also believed that the actual independence attained would be a function of the citizen's ability to bear arms and use them to defend his rights. Harrington sought support from the works of Machiavelli, who had proclaimed that there was a direct relationship between good arms and good laws. A central thesis of Harrington's republican theory was that an armed population is a popular government's best protection against its enemies, both foreign or domestic.

While Harrington and subsequent republicans argued the virtue of armed citizenry, they warned that standing armies were to be avoided at almost all cost because such armies become the government's instrument to retain power. Rather, a populace which possessed the land and arms inevitably would retain political power as well as serving as the best defense against the popular government's enemies. These views become the tenets, among others, of early republican or whig political theorists during the eighteenth century.

The Politics of the Framers

1) The relationship between arms and liberty.

The English republican views on the relationship between arms and democracy profoundly influenced the views of the founding fathers. Both federalist, those promoting a strong central government and anti-federalist, those believing that liberty, including the right of self-rule, would be protected best by

preservation of state autonomy, agreed with the proposition that arms and liberty were inextricably linked.

The first discussion in which these views were articulated occurred not with regard to the Second Amendment but rather in the context of Art. 1, § 8 of the Constitution dealing with the powers of Congress to raise a standing army and its power over the militia. As initially proposed, Congress was to be provided the power to raise armies. Objections were raised that there was no check against standing armies in time of peace. The debate focused on how to avoid the dangers of a standing army; there was no dispute that a standing army poses a significant threat to the liberty of the people.

The dilemma was that some type of national army would be necessary in time of war, but the results of waiting until actual war occurred to raise a national army could be disastrous. The solution adopted was two-fold. First, Congress would have the power to raise an army but no appropriation of money to that use could be for a longer term than two years. Since Congress had control of the purse and the people control over the House of Representatives by elections every two years and over 1/3 of the Senate, the people were effectively given a check against the dangers of a standing army. The second check against the dangers of a standing army was provided by the existence of the militia. The states would control appointment of officers to prevent the national government from acquiring too much power over the militia. An armed population was deemed the ultimate check on abuse of power by any standing army.

Additional views on the relationship of freedom and arms were expressed when the Constitution was being submitted to the states for ratification. The anti-federalist views were stated in pamphlets styled "Letters from the Federal Farmer to the Republican."

Richard Henry Lee is credited with authorship. The self-styled federal farmer thought of himself as a supporter of federalism and republicanism. His view of federalism was different from that set forth in the proposed Constitution of 1787. The federal argued that a distant national government was antithetical to freedom:

... [t]he general government, far removed from the people, and none of its members elected oftener than once in two years, will be forgot or neglected, and its laws in many cases disregarded, unless a multitude of officers and military force be continually kept in view and employed to enforce the execution of the laws and to make the government feared and respected. No position can be truer than this, that in this country either neglected laws, or a military execution of them, must lead to revolution, and to the destruction of freedom. Neglected laws must first lead to anarchy and confusion; and a military execution of laws is only a shorter way to the same point-despotic government.

The federal farmer also saw evil even in the power of Congress to raise an army, even though checked by the two-year limit on money appropriations and by the States' control over the militia via the appointment of officers. He understood the need to provide for the common defense but believed an additional check was necessary. The federal farmer argued that select militias, militias composed of less than all the people, ought to be avoided. Select militias, the membership of which would be decided by the government, became the government's army. Rather, the farmer argued "to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them."

ORIGINAL INTENT: U.S. Const. amend. II



Professor David E. Vandercoy

Another anti-federalist, George Mason, spoke on the relationship between arms and liberty. Mason asserted that history had demonstrated that the most effective way to enslave a people is to disarm them. Mason suggested that divine providence had given every individual the right of self-defense. Self-defense included the right to defend one's political liberty.

Again, on this point, Patrick Henry argued against ratification of the Constitution by Virginia, in part, because the Constitution permitted a standing army and gave the federal government some control over the militia. Henry objected to the lack of any clause forbidding disarmament of individual citizens; "the great object is that every man be armed...everyone who is able may have a gun."

The anti-federalist quite clearly believed that government tyranny was the primary evil against which the people had to defend in creating a new constitution. To preserve individual rights against such tyranny, the anti-federalist argued for the addition of a bill of rights which included, among other rights, the right to keep and bear arms.

The federalists, those supporting the Constitution as drafted, did not dispute the premise that government tyranny was the primary evil against which the people had to guard. Nor did federalists dispute the nexus

between arms and freedom. In one of the first federalist pamphlets, Noah Webster argued that the proposed Constitution provided adequate guarantees to check the dangers of any standing army. His reasoning, while acknowledging the check and balances, did not rely on the same. Rather, Webster argued:

Before a standing army can rule, the people must be disarmed, as they are in almost every Kingdom of Europe. The Supreme power in America cannot enforce unjust laws by the sword, because the whole body of the people are armed, and constitute a force superior to any bands of regular troops than can be, on any pretense, raised in the United States.

Similarly, Madison made clear that while he thought the proposed Constitution did offer sufficient guarantees against despotism, the real deterrent to government abuse was the armed population. To the anti-federalist criticism of the standing army as a threat to liberty, Madison replied:

To these [the standing army] would be opposed a militia amounting to near half a million citizens with arms in their hands, officered by men chosen from amongst themselves, fighting for their common liberties, and united and conducted by government

possessing their affections and confidence. It may well be doubted, whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops....

Besides the advantage of being armed, which Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached, and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

Another leading federalist, Alexander Hamilton, voiced a similar view. Hamilton suggested that if the representatives of the people, elected under the proposed Constitution, betrayed their constituents, the people retained the right to defend their political rights and possessed the means to do so.

2) The Role of the National Government, the States and the People.

The Constitution deals with the powers and obligations of three distinct entities, the national government, the states and the people. The political theory of the framers, federalist and anti-federalist, was that the people were the source of all power. The Declaration of Independence had claimed for the people the right to alter and abolish governments when they became destructive of the peoples' rights. The Constitution itself purports to be the people's instrument:

"We the people, in order to ... secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

ORIGINAL INTENT: U.S. Const. amend. II

The debates attending the actual drafting of the Constitution make clear that the states as artificial entities had no right to exist. The states existed, with rights, only as a collection of individuals. The purpose of each state was to protect the rights of the people. The same was true of the national government. Both were subject to modification by the people's will. The only entity entitled, as a matter of right, to continuing political viability was the entity known as the people. The fundamental premise was that the people had a right to govern themselves.

The people were to remain the source of all power, since the framers did not trust governments. Federalists thought that a strong national government would serve the people's interest better than a coalition of strong state governments. Anti-federalists believed the opposite. But neither group trusted governments, state or federal. The question was -- which form of government posed the lesser evil?

Madison, the leading federalist, argued: "Experience has evinced a constant tendency in the states ... to infringe the rights and interests of each other, to oppress the weaker party within their respective jurisdictions." Mason, the leading anti-federalist, acknowledged that man has a lust for power which results in the oppression of other people. Mason believed this to be true in all assemblies and governments.

The anti-federalists' fear was that diminished power in the hands of state government, the government closer to the people and more representative of the peoples desires, would result in a loss of the people's liberties.

3) Summary.

Neither federalists nor anti-federalists trusted any government with the people's rights. Both believed governments tend to abuse people's rights. All believed the

people had a right to self rule. All believed that an armed population was essential to liberty. Given these beliefs, it is very doubtful that the framers intended to create a right for each state government to maintain a military force to the exclusion of the people's right to bear arms. Placing the force of arms solely in the hands of a government entity and out of the reach of the people would be grossly inconsistent with the political views of the framers.

The only interpretation of the second amendment which would be consistent with the view that 1) the people were to retain all power, 2) that force of arms was necessary to retention of such power, and 3) that governments abuse power, is that the Second Amendment's intent was to provide the people, and each of them, with the right to bear arms.

The Ratification Process.

The federalist and anti-federalist pamphlets were written to influence the ratification process by which the proposed Constitution would become effective. In addition to revealing the political philosophy of the drafters, the pamphlets and other documents, intended to influence ratification, reveal additional concerns about the right to bear arms.

Anti-federalists rejected the claim that the militia would serve as a sufficient deterrent to the threat posed by a standing army. The responsive argument widely made was that Congress might be able to confine the existing militia force, all armed citizens, to a select militia made up of a small segment of the population. Baron Von Steuben, Washington's Inspector General, had already proposed such a force. The fear was that creation of a select militia, armed by and loyal to the federal government, would be accompanied by disarmament of the people in general.

All of the arguments for and against ratification came to bear in the state conventions. In New York,

Hamilton made a direct appeal to adopt the Constitution and then amend it, if necessary. Hamilton's argument was that if amendments were to be made, they ought to be made after adoption since an alteration would constitute a new proposal and must undergo a new decision in each state. Hamilton's argument prevailed. New York ratified the Constitution but included with the ratification a declaration of rights and a statement that the New York ratification was done under the impression that the rights enumerated could not be abridged or violated and that the rights were consistent with the Constitution. One of the rights declared read as follows: "That the people have a right to keep and bear arms; that a well regulated Militia, including the body of the People capable of bearing arms, is the proper, natural and safe defense of a free State."

New York had ratified but made clear that the people had a right to keep and bear arms and that the militia was to include all the people capable of bearing arms and not just a select few.

Similarly, New Hampshire ratified the Constitution but in the ratification document stated:

It is the Opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this State and more effectually guard against an undue Administration of the Federal Government - The Convention does therefore recommend that the following alterations & provisions be introduced into the said Constitution.

...

Twelfth

Congress shall never disarm any citizen unless such as are or have been in Actual Rebellion.

ORIGINAL INTENT: U.S. Const. amend. II

In Pennsylvania, James Wilson argued against the addition of a bill of rights largely on grounds already offered by Madison, that such an enumeration was unnecessary and indeed dangerous since no person could enumerate all the rights of men. Pennsylvania ratified, but a substantial minority drafted a series of proposed amendments which included the following:

That the people have a right to bear arms for the defense of themselves and their own State or the United States, or for the purpose of killing game; and no law shall be passed disarming the people or any of them unless for crimes committed, or real danger of public injury from individuals.

It is doubtful that the Pennsylvania minority was attempting to constitutionalize hunting as a sport. Rather, the delegates were attempting to eliminate the possibility that games laws, used effectively in England at different points to disarm the population, would not produce a similar result in America. Similar arguments were made in Massachusetts by Samuel Adams. The argument that adoption must precede amendment prevailed.

In Virginia, Madison was successful in securing ratification but George Mason, Patrick Henry and Richard Henry Lee were successful in having the convention adopt a declaration of rights which was to be recommended to the First Congress for adoption as Constitutional amendments. The right of the people to keep and bear arms was included as was the statement that a militia composed of the body of the people was the natural and safe defense of a free state.

North Carolina's convention proposed that a declaration of rights be added to the Constitution which explicitly identified the right of people to keep and bear arms as a natural right and as one of the means necessary to the pursuit and obtainment of happiness and safety.

Identification of the right was accompanied by the statement that the militia, composed of the body of the people, trained to arms, is the natural and safe defense of a free state. The North Carolina convention refused to ratify the Constitution until this and other rights were explicitly added to the document. North Carolina did not ratify the Constitution until the Bill of Rights was drafted and submitted to the States.

Rhode Island followed an identical course by identifying the right of the people to keep and bear arms as a natural right, among others, and declining to ratify the Constitution until after the Bill of Rights had been drafted and submitted.

To summarize the state ratification process, three states, New York, New Hampshire, and Virginia, ratified while expressing their understanding that the people had a right to bear arms and that Congress would never disarm law abiding citizens. Two other states, North Carolina and Rhode Island, refused to ratify until individual rights, including the people's right to keep and bear arms, were recognized by amendments. In Pennsylvania, an effort was made to amend or condition ratification on amendment to include, among others, the right to keep and bear arms. Efforts to amend were defeated but not on the merits. There is no evidence from any state convention that any speaker suggested that the proposed Constitution would permit disarming the public.

The Bill of Rights.

With ratification complete and the First Congress assembled, Madison introduced amendments setting forth what would eventually become the Bill of Rights. The ratification process had produced a call for such a declaration of rights. Madison's first proposal was made on June 8, 1789 to the House of Representatives. His proposal embodied nineteen substantive items and appeared to track the proposals made by the various state

conventions. This proposal was not in the form of a separate bill of rights. Instead, Madison proposed amendment by interlineation, placement of the individual amendments in the text of the Constitution. One of the proposed amendments was "that the right of the people to keep and bear arms shall not be infringed, a well-armed and well-regulated militia being the best security of a free country; but no conscientious objector shall be compelled to render military service in person." Madison's proposal called for this right and the right to freedom of the press, religion, speech, to be inserted in Article 1, § 9, between clauses 3 and 4. Article 1, § 9 deals with limitations on Congress' power over citizens, i.e., no suspension of *habeas corpus*, no *ex post facto* laws and no bills of attainder. Had Madison viewed the right as a right of the states, the more logical placement of the right would have been in Article § 8 which reserves to the states the power to appoint the officers of the militia and provides authority to train the same.

In addition, Madison's notes regarding the introduction of his proposals contain an outline which suggests he should read the amendments and explain that they relate to private rights. His notes also instructed him to explain the deficiencies of the English Declaration of Rights. Among the deficiencies were that the declaration was a mere act of Parliament and that the guarantees were not sufficiently broad, i.e., no freedom of press, or conscience, and arms being restricted to Protestants.

Madison's proposals were referred to a select committee which then reported to the House sitting as a committee of the whole. When the proposal came out of the select committee, it read: "A well regulated Militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms."

ORIGINAL INTENT: U.S. Const. amend. II

In the House, the debate focused on the last clause. The argument was as follows:

Mr. Gerry -

This declaration of rights, I take it, is intended to secure the people against the maladministration of the Governments. If we could suppose that, in all cases, the rights of the people would be attended to, the occasion for guards of this kind would be removed. Now, I am apprehensive that this clause would give an opportunity to the people in power to destroy the Constitution itself. They can declare who are those religiously scrupulous and prevent them from bearing arms.

An amendment to strike out the "religious scrupulous" language failed. Madison yielded to pressure to set forth the amendments at the end of the Constitution. Seventeen articles of amendment were sent to the Senate.

The Senate streamlined the entire package by combining some amendments and simplifying others. On the right to bear arms, the

Senate omitted the words "composed of the body of the people" after "militia" and deleted the provision exempting conscientious objectors from service. The Senate rejected language which would have added the words "for the common defense" as part of the phrase "the right of the people to keep and bear arms (for the common defense) shall not be infringed."

Ultimately, twelve articles were sent to the states for ratification. The first two failed; the ten remaining were ratified. Newspapers of the times described the second amendment as protecting the right of the people to keep arms to prevent civil rulers from tyrannizing the people.

Conclusion

The political theory of the framers, the demands from the state ratification conventions, Madison's intent to provide a private right and the description of the right at the time, all suggest that the framers intended to create a right for each citizen to bear arms. The Second Amendment contemplated an armed population to insure the existence of a *free* state -- free from oppression from the national or state civil rulers.

The above is an abridged version of the Inaugural lecture delivered by Professor Vandercoy on the occasion of his achievement of attaining the rank of full professor. The faculty of the School of Law considers that the attainment of full academic rank is a significant achievement in the life of a teacher and scholar. Along with that rank come certain expectations on the part of one's colleagues and the public. Accordingly, in adopting its rules and standards for promotion and tenure, the Faculty provided that, within one year after attaining the rank of full professor, a member of the faculty should deliver an inaugural lecture on a topic of the professor's choice. This is a practice in many European universities but is little known in the United States.

An article based on the lecture will appear in a subsequent issue of the Valparaiso University Law Review.

CLASS ACTIONS

1950

The Circuit Judges of the 8th Judicial Circuit of Illinois have appointed **Loren E. Schnack** as an Associate Judge in Quincy, Adams County, Illinois.

1957

Charles R. Vaughan has been selected for inclusion in the nationally recognized reference book, *The Best Lawyers in America*.

1967

The Honorable Peter K. Wilson, Jr., formerly an Associate Circuit Judge for the Illinois 16th Judicial Circuit, will join the law firm of Mickey, Wilson, Weiler & Renzi, P.C., Aurora, Illinois, in the private practice of law.

1974

Martin Baumgaertner, Chicago Region Chief Administrative Judge for the U.S. Merit Systems Protection Board, is serving as the Chairman of the Chicago Federal Executive Board, composed of the Chicago regional heads of the 132 Federal Executive Agencies in the 60,000 employee federal community in Chicago.

1977

John D. Lee, formerly in corporate government affairs with Sears, has accepted a new position as Senior Corporate Counsel with Budget Rent-A-Car in Chicago, Illinois.

1980

Western Publishing Company, Inc., Racine, Wisconsin, announced that **Donald P. Seberger** has been appointed Vice President and General Counsel of the Company. Don joins Western from the Chicago-based law firm of Jenner & Block where he practiced law for more than eight years, the last four as a partner. Previously, he was a staff attorney with Continental Bank in Chicago for nearly two years. Based in Racine, Don will direct the

legal affairs of the Company as well as undertake specific assignments for the Beach Products and Advertising Specialty Divisions of Penn Corporation, an affiliate of the Company. Don will also be a member of the Company's Executive Committee.

Western Publishing and its predecessors have been in business since 1907. It is the largest creator, publisher, printer and marketer of children's books in the United States. Western believes it is also the largest producer and distributor of children's and adult jigsaw puzzles and is one of the largest producers and marketers of children's games, card games, classic family games and adult board games.

Don and his family have relocated to Racine and look forward to enjoying the serenity of Wisconsin.

1981

Fond du Lac County Corporation Counsel **Thomas L. Storm** was appointed Fond du Lac County District Attorney by Wisconsin Governor Tommy Thompson. Tom previously served as director of the Senate Republican Caucus for 3-1/2 years and as an attorney with Hauser, Lagodney & Lamber, S.C. of Madison for five years. He also worked as assistant legal counsel to former Gov. Lee Sherman Dreyfus and as an executive assistant to former state Sen. Susan Engeleiter.

1982

On January 1, 1991, **Mark A. Dabrowski** became a partner with the law firm of Russell, McIntyre, Jessup, Hilligoss & Raquet, located in Kokomo, Indiana.

Roger Daley was elected as a Freeholder of Middlesex County, New Jersey.

Joseph L. Taylor, formerly with Garretson & Santora, has a new association with Fisch, Lansky & Associates, Chicago, Illinois.

PRACTITIONER IN RESIDENCE

Dr. Robert E. Nielsen of the U.S. Dept. of Commerce was the Practitioner-In-Residence at the law school on April 18-19, 1991. Dr. Nielsen spoke to various classes in both the School of Law and the Department of Economics and attended various law school functions. In addition, he held a seminar and advised students on job placement in the public and private sector in Washington, D.C.

Dr. Nielsen is an attorney with the Office of Chief Counsel for Import Administration of the Department of Commerce, specializing in international trade law. Before joining the Department of Commerce, he was in private practice with the law firm of Wiley, Rein & Fielding in Washington, D.C. Dr. Nielsen graduated from Valparaiso University School of Law with Distinction in 1982. He was Editor-In-Chief of the Law Review from 1981-1982. Prior to entering the law school, Dr. Nielsen was an assistant professor of economics in the Department of Economics at Valparaiso University from 1973-1979. He obtained his Ph.D. from the University of Iowa. Dr. Nielsen also holds a Master of Business Administration degree and a B.S. degree in mathematics from the University of Arizona. His wife, Lois Nielsen, M.S.N., M.D., was an assistant professor of Nursing at Valparaiso University before attending medical school at the John Hopkins University in Baltimore, Maryland.

CLASS ACTIONS

1983

Frank A. Lattal became a partner of the New Jersey law firm of Connell, Foley & Geiser as of January 1, 1991, after 6 years with the firm. His practice concentrates on environmental and commercial litigation. Frank, his wife Gretta (V.U. undergrad 1982), and daughter Emily, 18 months, reside in Basking Ridge, New Jersey.

Timothy T. Patula has formed the law firm of Patula & Associates, which is based in Chicago, Illinois.

1984

Wade Nichols has accepted a position with Morgan & Associates, Inc., a title company located in Noblesville, Indiana.

Jeanne Beckstrom Van Egmond and her husband, Tom, are proud to announce the birth of their second child, Matthew Kent, on March 11, 1991.

1985

Chris Fitzpatrick is environmental counsel for Florida Power Corporation in St. Petersburg, Florida. Prior to accepting this position, Chris was an associate with Brown, Todd & Heyburn in its New Albany office.

Ellen K. Fujawa has a part-time position with the Law Offices of Daniel C. McCarthy in Greenwood, Indiana. She is also an Administrative Law Judge for the Indiana State Board of Health and is in the Army JAG Corps Reserves.

Frank Harris, Nassau County Deputy District Attorney, Mineola, New York, has written a review of Fergus Kelly, *A Guide To Early Irish Law* (Early Irish Law Series vol. 3; Dublin: Institute for Advanced Studies, 1988) in 34 *The American Journal of Legal History* (1990) and "Nine Extant Portraits of the Lords Herbert of Cherbury of the First Creation" in 14 #1 *Cross-Bias* (1990-1991).

Return the Favor

The AMICUS and your fellow alumni (especially your classmates) want to keep up with you. This section of the magazine is, by far, the most popular feature. So it goes with similar alumni magazines across the country. The reason is obvious; it is a great way to catch up with friends with whom we often lose touch over the years.

Return the favor -- share your news with us through *The AMICUS*. Items such as a change in career or firm; a move to a new location; marriage; births; promotions; partnerships; membership, selection or appointment to positions within professional or civic organizations; special activities; a feature article or mention of you in a professional or trade journal or your local paper are just a few examples of the type of information we like to receive for publication.

Whenever possible, please include a photo (black and white preferred) to accompany your news. All photos will be returned.

There is a post card on the back cover for alumni news items. Do not let that post card limit the length or number of your submissions! Envelopes bulging with news and photos are always welcome.

Please send all items in care of *The AMICUS* News & Notes Editor, Valparaiso University School of Law, Wesemann Hall, Valparaiso, IN 46383-6493.

Jennifer Stocker, an associate with Wood, Herzog, Osborn & Bloom in Fort Collins, Colorado, and her husband, Jeff, joyfully announce the birth of their first child, David Tyler, on December 30, 1990 (timely tax break!).

Dana J. Wachs and wife, Tina, are living in Eau Claire, Wisconsin, where Dana is a shareholder in the firm of Jordan & Wachs. Dana was appointed to the board of governors of the Wisconsin Trial Lawyers Association in 1990 and continues to be an active participant in this organization. Dana concentrates his practice in the areas of personal injury and medical malpractice litigation. Dana and Tina have two children, Jordan, 3, and Jessica, 6 months.

1986

Nancy Dean Berning and husband, **Daniel R. Berning**, '77, recently had a new addition to the family, John Daniel, born February 21, 1991.

Kathryn Johnson has joined the LaPorte County Prosecutor's staff as a part-time deputy prosecutor on January 1, 1991. She is also a sole practitioner with an office located in LaPorte, Indiana. Kathryn and husband, Mark, have 3 children: Brian, 4; Christina, 3; and Laura, 1.

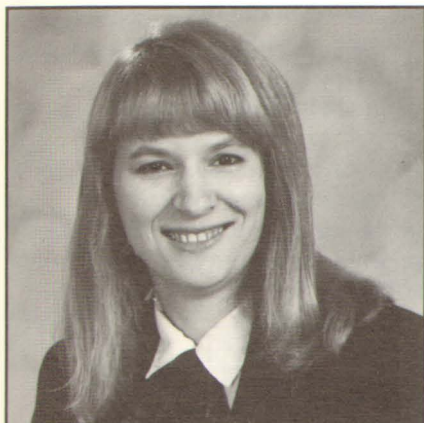
A May wedding is being planned by **Teresa L. Muth** and Dennis T. Mysliwy, both of Crown Point, Indiana. Teresa is employed as a litigation attorney by State Farm Insurance Company.

Linda J. Peters is pleased to announced her association in the practice of law with Wyss, McNellis, Riebenack & Myers, Fort Wayne, Indiana.

CLASS ACTIONS

1988

Priscilla Andrea Herochik has opened her own law firm effective April 15, 1991. The office is located at Twin Towers North in Merrillville, Indiana.



Priscilla Herochik

Since graduation, **Robert B. Scott** has been with McHale Cook & Welch in the Corporate and Utility Law Section of the firm. Robert, his wife, Spencer, and daughter, Stephanie, reside in Indianapolis.

Troy Christopher Swanson announces the relocation of his law practice to The Park Plaza, Suite 400, 800 North Charles Street, Baltimore, Maryland.

1989

Jonathan E. Irwin has joined the Chicago office of Querrey & Harrow, Ltd. Prior to joining Querrey & Harrow, Jon was an associate with the firm Tressler, Soderstrom, Maloney and Preiss.

Timothy J. Murray is now in solo practice and has opened an office in Covington, Indiana. Tim is also serving as President and CEO of G. Roper and Company of Covington.

1990

J. C. Anderson is a deputy prosecutor in Lake County, Crown Point, Indiana.

Matt Begeske is third base coach for the Waterloo Diamonds, an "AA" baseball team.

Gregory Brack is associated with Friedmann & Associates, Atlanta, Georgia, and practices personal injury and bankruptcy law.

Christine A. Brannon is associated with Lenihan, Moore, Gallogly & Camolli in Westerly, Rhode Island.

Robert Bratch is practicing law in Indianapolis, Indiana.

Jeanene Calabrese is a deputy prosecutor in Starke County, Winamac, Indiana.

Susan Castner has accepted a position with Maish & Mysliwy in Hammond, Indiana.

This spring, **Jeffrey Cox** will receive his LL.M. in environmental law from Pace University.

John Herrick has joined the Herrick Law Office in Fond du Lac, Wisconsin.

Brent Emerson Inabnit and Lisa Roxanne Struble, a senior majoring in elementary education at Valparaiso University, are planning to be married in July. Brent is employed by Mayer, Brown and Platt in Chicago.

Wedding vows were exchanged by **Tamela J. Johnstone** and Phillip John Gardin in March. Tamela is employed by the law office of Paul R. Chael in Kouts. The couple will make their home in Crown Point, Indiana.

Stephen Krentz practices law with **Peter Krentz, '56**, in Plano, Illinois.

Mary E. Loughnane is an attorney with Legal Services Program of Northern Indiana, South Bend.

John J. Mueller is working as a Tax Law Editor at Commerce Clearing House in Riverwoods, Illinois.

Nick Allen Perko, III will marry Dayna Marie Schafer at St. Michael's Church, Schererville, in September. Nick works for the law firm of Tweedle & Sedia in Highland, Indiana.

Roberta Plasschaert is associated with Krisor & Nussbaum in South Bend, Indiana.

Frank Schaffer is a deputy prosecutor in St. Joseph County, South Bend, Indiana.

Kim Tabor Speer is an attorney with the Public Defender's Office in Indianapolis, Indiana.

IN MEMORIAM

The entire Valparaiso University School of Law Community extends its sympathy to the family and friends of the following deceased alumni:

Goldie L. Burns, '22, who passed away at the age of 95 on Tuesday, March 26, 1991. Burns was a police officer for the Los Angeles Police Department until he resigned that post in 1930. He returned to Indiana and served as Porter County Deputy Prosecuting Attorney for five years and as Prosecuting Attorney for six years. Elected Porter County Circuit Court Judge in 1950, Goldie served in that position until his retirement in 1962.

Milton Hafner, '71
December 20, 1990

Harolyn Goldenberg, '80
Munster, Indiana

CONGRATULATIONS TO THE CLASS OF 1991

Shereen Abadir
B.A., Drew Univ.

Brock Alvarado
B.S., Indiana Univ.

Mary Andres
B.A., Mercyhurst College

Laura Beck
B.A., Juniata College

Jonathan Berkowitz
A.B., Univ. of Michigan

Kevin Boyle
B.A., Indiana Univ.

Kristi Brown
B.A., Purdue Univ.

Laura Brown
B.A., Illinois Wesleyan Univ.

William Brown
B.S., Purdue Univ.

Dawn Cantelo
B.S., Loyola Univ.

Bruce Carr
B.L.S., Southern Illinois Univ.

James Clement
B.A., Bob Jones Univ.

Jeanne Collins
B.A., Colorado College

Wendy Williams Davis
B.A., Wheaton College

John Drier
B.A., Kalamazoo College

Lawrence Dujcik
A.B., Univ. of Illinois
M.A., St. Xavier College

Jennifer Eversole
B.A., Valparaiso Univ.

Charles Feinen
A.B., Univ. of Illinois

Phil Flemming
B.S., Arizona State Univ.

Maria Elizabeth Flores
B.A., Purdue Univ.

A FAREWELL TO THE CLASS OF 1991

Today marks an end and a beginning; the end of a successful law school effort and the beginning of a new career. It is also a day of great joy and a bit of sadness. You students are our stock in trade and your departure leaves a void that is never quite filled by next year's senior class.

During your years at V.U., you have become skilled in the fundamentals of lawyering. As you move from the classroom into an imperfect world, we hope that you have acquired other traits of character that will serve you well in the years ahead -- traits such as wisdom, patience, humility, generosity and common sense.

You are entering a profession that does not enjoy great public esteem. Efforts are being made by the American Bar Association and the various state bar associations to improve the image of the legal community. It will be a slow process and each of you has the opportunity to contribute to this effort by your conscientious preparation, your honesty in dealing with clients and opposing counsel, and your courtesy to the court.

A wise man once made this observation: "People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up wrinkles the soul. You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair. In the central place of every heart there is a recording chamber; so long as it receives messages of beauty, hope, cheer and courage, so long are you young. When your heart is covered with the snows of pessimism and the ice of cynicism, then and only then are you grown old."

We wish each of you a successful future, long life, abundant good health and peace of mind.

We are pleased that you passed our way and the law school is the better for it.

Professor Charles Gromley
Faculty Advisor -- Class of 1991

Allen Fore
B.A., Eureka College

Melissa German
B.A., Calvin College

Robert German
B.A., Univ. of Arkansas

Mark Gland
A.B., Indiana Univ.

Daniel Goeglein
B.A., Concordia College

Steven Gould
B.B.A., St. Norbert College

Julie Griffith
B.A., Valparaiso Univ.

Ting-fu Gu
Shanghai Institute of Foreign
Languages

Christina Gust
B.S., Western Connecticut State Univ.

Thomas Haarmann
B.A., Schiller International Univ.
M.A., Boston Univ.

John Haase
B.B.A., St. Norbert College

Thomas Hamilton
B.S., Univ. of Maine

Michael Helman
B.S., Indiana State Univ.

CONGRATULATIONS TO THE CLASS OF 1991

Cheryl Henderson
B.A., Hope College

Amelia Hensley
B.A., Indiana Univ.

Catherine Hillman
B.A., Valparaiso Univ.

Julianne Holm
B.A., Hanover College

Marilyn Holscher
B.A., St. Mary's College
M.A., Univ. of Iowa

Michael Honegger
B.S., Bradley Univ.

Scott Hoover
B.S., Iowa State College
Ph.D., Illinois Institute of Technology

Celia Horner
B.S., Indiana Univ.

Stephen Ross Hubbell
B.A., Valparaiso Univ.

Amy Hutchison
B.S., Valparaiso
M.B.A., Indiana Wesleyan

Deborah Janowski
B.S., Viterbo College

Kerry Jazinski-Makin
B.S., Carroll College

Paul Jesse
B.A., Cleveland State Univ.

James Kapitan
B.A., Calumet College

Virginia Keating
B.A., Purdue Univ.
M.A.L.S., Valparaiso Univ.

Michael King
B.S., Western Michigan
University
M.S., Western Michigan University

S. Michael Kowalski
B.S., Valparaiso Univ.

Pamela Krause
B.A., Loyola Univ.

Matthew Krueger
B.A., Wheaton College

Douglas LaLone
B.S., Purdue Univ.

Paul Landskroener
B.A., Valparaiso Univ.

Noreen Larson
B.A., Rosary College

Ann Lederer
B.A., Macalester College

Giovanni Leone
B.A., Univ. of Notre Dame

Beth Levine
A.B., Univ. of Illinois

Alexandra Lewycky
B.S., Univ. of Illinois

John Loughnane
B.A., Southern Illinois Univ.

Elizabeth Lynch
B.A., Indiana Univ.

Christina Maas
B.A., Valparaiso Univ.

Frederick Mackraz
B.A., Hope College

Michael Mannisto
B.A., Carthage College

Teresa Massa
B.A., Indiana Univ.

Donna McCoy
B.A., Purdue Univ.

Frank Menendez
B.A., Kalamazoo College

Scott Minnette
B.S., Purdue Univ.

Lisa Misner
B.A., Purdue Univ.

Sarah Moeller
B.A., Lake Forest College

Robert Morris
B.S., Ball State Univ.

Jeffrey Mortier
B.A., Northwestern Univ.

Michael Myers
B.A., Indiana Univ.

Brian Nehrig
B.A., Wabash College

Jennifer Nelson
B.A., Augustana College

Wendy Nutt
B.A., Bethany College

Cynthia Oppliger
B.A., Valparaiso Univ.

Jennifer Overmyer
B.S., Ball State Univ.

Paul Pasche
B.S., Valparaiso Univ.

Barbara Petrungaro
B.A., Lewis Univ.

Steven Pletcher
B.A., Indiana Univ.

Misti Rawles
B.A., Purdue Univ.

Shauna Reitz
B.A., Valparaiso Univ.

Julie Rickett
B.A., Univ. of Georgia

Kevin Rickett
B.S., Ball State Univ.

Joni Ritz
B.S., Indiana Univ.

Matthew Robinson
B.A., Wabash College

Deanne Sasser
B.A., Indiana Univ.

Bonita Schaaf
B.G.S., Indiana Univ.

Brett Schenck
B.S., Purdue Univ.

Eileen Schiele
B.S., Washington Univ.

Kelly Schneider
B.A., National College of Education

David Schopp
B.A., Aurora Univ.

Fay Schwartz
B.S., Indiana Univ.

CONGRATULATIONS TO THE CLASS OF 1991

Sara Scudder
B.S., Indiana Univ.

Angelo Spyrtos
B.A., Elmhurst College

Ann Staley
A.S., Purdue Univ.

Ronald Stella
B.B.A., Western Michigan

Christopher Stride
B.A., Valparaiso Univ.

Paul Strouse
B.A., Univ. of Wisconsin

Carol Sturdevant
B.S., College of St. Francis
M.A.L.S., Valparaiso Univ.

Tara Talmadge
A.B., Mount Holyoke College

Scott Teach
B.A., Wabash College

Michael Thiakos
B.S., Univ. of Illinois

William Thomas
A.B., Augustana College

Thomas Thorson
A.B., Indiana University
A.M., Indiana University
A.M., Princeton
Ph.D., Princeton

Cynthia Tilden
B.A., Valparaiso Univ.

Charles Timmerwilke
B.A., Carthage College

James Urtis
B.A., Univ. of Rochester

Craig Van Ess
B.S., Aquinas College
M.S., Grand Valley State

Robert Vann
B.S., Indiana Univ.

Ruth Anne Velaer
B.Mus., Northwestern

Gerald Vigansky
B.S., Hope College

Christopher Vlachos
A.B., Univ. of Michigan

Tamra Walz
B.A., Schiller International Univ.

Yin Wang
B.S., Faulkner Univ.

Robert Weiner
B.A., Univ. of Pittsburgh

Brian Welch
B.S., Bradley Univ.

Renee Wheeler
B.A., Valparaiso Univ.
B.S., Valparaiso Univ.

Robert Whippo
B.A., Valparaiso Univ.

Timothy Williams
B.A., Aquinas College

Ronald Wisniewski
B.A., Univ. of Notre Dame

Eric Wright
B.A., Carthage College

Robert Youngman
B.A., Valparaiso Univ.

James Zieba
B.A., Purdue Univ.

Scott Zipprich
B.A., Indiana Univ.

Spring Zmudzinski
B.G.S., Indiana Univ.

It is with great sadness that we report the death of Ting-Fu Gu, a member of the class of 1991. VUSL's first student from the People's Republic of China, Mr. Gu began his law studies in the fall of 1987. Having been an English instructor at the Shanghai International Business Institute, he was selected by the Chinese government to study law in the United States in order to begin a law program at the Institute following graduation. In 1990, his wife and son came to the States to join him. In the summer of 1989, Ting-Fu was diagnosed with lung cancer. In early April, 1991, Mr. Gu fulfilled his dream of completing the requirements for his J.D. He succumbed to cancer on April 17, 1991. Across language, culture, distance, time, and illness, Mr. Gu overcame incredible obstacles in his pursuit of an American legal education. He helped us value more what we had previously taken for granted. His diploma was presented to his family at his memorial service. Mr. Gu is pictured here with his wife, Jian-Min Meng, and his son, Meng-Li.



The *AMICUS* invites and encourages Alumni to write to the School of Law with news of interest for publication in the **Alumni News** section of the magazine. Items such as a change in address or career; status within your firm; births; marriages; membership, selection or appointment to positions within professional organizations/associations are a few examples of the types of information we like to receive and publish. Copies of articles and photographs are welcome.

We also want to give you ample opportunity to order a copy of the new 1991 edition of the VUSL Alumni Directory. Copies are available for \$25.00 each.

We also wish to receive notice of any employment opportunities you may have or may know about for VUSL students or graduates. If you are interested, you may receive a copy of the VUSL Monthly Job Bulletin published by the Office of Career Services and Alumni Relations.

The "post cards" on the back of the *AMICUS* are designed for your use for any of these items. Please complete the appropriate card(s) and send them in!

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Valparaiso, IN 46383-6493

VUSL Alumni Association
Valparaiso University School of Law
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Valparaiso University
Valparaiso, IN 46383-6493

Career Services Office
Valparaiso University School of Law
Wesemann Hall
Valparaiso University
Valparaiso, IN 46383-6493

Alumni News

Name: _____ J.D. Year: _____

Home

Address: _____

Telephone: Home: (____) _____ Business: (____) _____

Firm Name: _____

Firm Address: _____

News or Comments: (Attach additional sheets, if needed, or copies of articles.
Photos are welcome!)

VUSL 1991 Alumni Directory Order Form

Name: _____ J.D. Year: _____

Home

Address: _____

Firm Name: _____

Firm Address: _____

Telephone: Home: (____) _____ Business: (____) _____

Send Directory to: ____ Home ____ Business

of directories ordered @ \$25.00 per copy: _____ Total Enclosed: \$ _____

Please make checks payable to: VUSL Alumni Association

Placement Opportunity

Name: _____ J.D. Year: _____

Business Address: _____

Telephone: Business: (____) _____

____ Employment opportunity for a VU Law *Student* - please identify and describe:

____ Employment opportunity for a VU Law *Graduate* - please identify and describe:

* ____ Please send me a copy of the VUSL Monthly Job Bulletin